



**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**

## **INTERNATIONAL ASSOCIATION OF JUDGES**

### *Minutes of the meetings of the Central Council*

Dakar (Senegal)

8<sup>th</sup> November 2010 (11.00 – 13.00)

10<sup>th</sup> November 2010 (15.30 – 19.30)

11<sup>th</sup> November 2010 (10.00 – 13.00)

Session of 8<sup>th</sup> November

Present: the President, Mr José Maria Bento Company, the First Vice-President, Mrs. Fatoumata Diakité, the Vice-Presidents Mrs. Cristina Crespo, Mr Gerhard Reissner and Mr Virgilijus Valancius; the Honorary Presidents Mr Sidnei Beneti, Mr Günter Woratsch and Mrs. Maja Tratnik; the Secretary-General, Mr Antonio Mura; the Deputy Secretaries-General, Mr Giacomo Oberto, Mr Galileo D'Agostino and Mr Raffaele Gargiulo, as well as the following national associations, represented by the delegates whose names are on the list attached to these minutes (see enclosure No. 1):

ALGERIA (EXTR. MEMBER)	LITHUANIA
ARGENTINA	LUXEMBOURG
ARMENIA (PROXY TO LATVIA)	MALI
AUSTRALIA	MEXICO
AUSTRIA	MOLDOVA
BELGIUM	MOROCCO
BENIN (EXTR. MEMBER)	MOZAMBIQUE (OBSERVER)
BRAZIL	NETHERLANDS
CAMEROON	NIGER
CANADA	NORWAY
CHILE (PROXY TO PUERTO RICO)	POLAND
CROATIA	PORTUGAL
CYPRUS	PUERTO RICO
CZECKIA (PROXY TO HUNGARY)	REP. OF CHINA (TAIWAN) (PROXY TO U.S.A)
DEM. REP. OF CONGO (EXTR. MEMBER)	SENEGAL
DENMARK	SERBIA (EXTR. MEMBER)
EL SALVADOR	SLOVAKIA (PROXY TO AUSTRIA)
ESTONIA	SLOVENIA
FINLAND	SOUTH AFRICA
FRANCE	SPAIN
GEORGIA (PROXY TO MOLDOVA)	SWEDEN
GERMANY	SWITZERLAND
HUNGARY	TOGO
ICELAND	TUNISIA
IRELAND	TURKEY (EXTR. MEMBER)
ISRAEL	UKRAINE (EXTR. MEMBER)
ITALY	

IVORY COAST KAZAKHSTAN (EXTR. MEMBER) LATVIA LIECHTENSTEIN (PROXY SWITZERLAND)	TO	UNITED KINGDOM UNITED STATES OF AMERICA URUGUAY
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The official inauguration ceremony took place at 9.45 a.m. chaired by the President of the Republic of Senegal, Mr Abdoulaye Wade. During this event the President of the Senegalese Association of Judges, Mr Abdoulaye Ba, the first President of the Supreme Court of Senegal, Mr Pape Oumar Sakho, the President of the IAJ, Mr José Maria Bento Company, the President of the Republic of Senegal, Mr Abdoulaye Wade, took the floor.

After this ceremony, President Bento Company opened the meeting at 11.00, by welcoming all present. He expressed the deepest gratitude of the IAJ to the local Authorities as well as to the *Union des Magistrats Sénégalais* (Senegalese association of judges) for the perfect organization of the meeting (53rd annual meeting of the IAJ) and for their generous hospitality. He then commemorated the figure of Mr Mamadou Mansour Sy, former Vice-President of the I.A.J. and President of the African Group, by underlining the impressive work which he had accomplished in an extremely qualified matter and scruple for the I.A.J. He also informed the Assembly that former I.A.J. President Mr Felipe Augusto De Miranda Rosa from Brazil had passed away. After this, Deputy Secretary-General Oberto commemorated the figure of former I.A.J. Vice-President Sy.

President Bento Company informed then the Assembly about the attendance in the meeting of the U.N. Special Rapporteur on the Independence of Judges and Lawyers, Mrs. Gabriela Carina Knaul Albuquerque e Silva, who took the floor addressing a speech to the Assembly and thanking the I.A.J. as well as the Senegalese Association of Judges for the invitation. President Bento Company added that also the President of International Union of Notariat had been invited and he had delegated a Senegalese Notary to attend the meeting. He welcomed also the observer from Mozambique, for the first time in attendance of a meeting of the Central Council.

President Bento Company thanked the U.N. Special Rapporteur for her words and informed the Assembly about a changing in the order of items of the agenda, as it appeared to be convenient to anticipate point n. 17.

#### 17. Meetings of the IAJ in the next years. Possible host-countries;

President Bento Company informed the Assembly that so far no application had been received by the Secretariat-General. Therefore he invited national Associations to reflect on this and to send applications, in order to spare the I.A.J. the situation of not having any hosting country for 2011.

President Bento Company then proceeded to examine the points on the agenda, pointing out that, after this document had been delivered to all national Associations, no remarks had been sent on it. He declared therefore the agenda approved.

#### 1. Checking the votes and proxies;

The General Secretariat carried out a check on votes and proxies. Secretary-General Mura informed the assembly that so far the General Secretariat had received in writing a proxy from Czech Republic to Hungary, one from Slovakia to Austria, one from Liechtenstein to Switzerland, one from Chile to Porto Rico, one from Armenia to Latvia, one from Georgia to Moldova and one from Republic of China Taiwan to U.S.A. He added that only three countries (Bolivia, Costa Rica and Former Yugoslav Republic of Macedonia) had lost their voting rights according to the provisions of I.A.J.'s statutes. In any case those countries were not in attendance and had sent no proxy. Secretary-General Mura added that the proxy sent by Republic of China Taiwan had been expressed in a message sent to the American Association, with the sentence "I will give you the proxy." He therefore asked whether the Assembly raised objections on this. No objections were raised by the Associations on the validity of this proxy.

## 2. Nomination of delegates to count the votes. Appointment of auditors to examine the accounts and the financial report and to report:

The President asked the assembly if there were three or more delegates who agreed to assume the responsibility of counting the votes and two others to act as auditors. Mr van Iseghem (Belgium), Mr Ratshibvumo (South Africa), Mr Steenbeck (Netherlands) and Mr Stadelmann (Switzerland) were unanimously given the responsibility of counting the votes. The assembly then unanimously appointed Mr Pagone (Australia) and Mr Maciel (Brazil) as auditors responsible for scrutinising the annual accounts and financial report and for reporting on it to the Central Council.

## 3. Candidatures for President, six Vice-Presidents, Secretary-General and Deputy Secretaries General:

Secretary-General Mura mentioned first of all the contents of the letter he had sent to all associations prior to the meeting, about requirements for submission of candidatures according to I.A.J. statutes. He informed the assembly that so far the General Secretariat had received the candidatures (in writing) for the post of Vice-President of following delegates: Mr Robert Blair (Canada), Mrs. Cristina Crespo (Uruguay), Mr Mostafa Faress (Morocco), Mr Lothar Juenemann (Germany), Mr John Cagney Musi (South Africa), Mr Cristophe Régnard (France), Mr Gerhard Reissner (Austria), Mr Virgilius Valancius (Lithuania). A candidature had been submitted for the post of President in the person of First Vice-President Mrs. Fatoumata Diakite (Ivory Coast).

Secretary-General Mura explained that also the current members of the Secretariat-General were running as candidates; their candidatures had been submitted in writing by I.A.J. President Bento Company: himself for the post of Secretary-General, Mr Giacomo Oberto, Mr Raffaele Gargiulo, Mr Galileo D'Agostino and Mr Lucio Aschettino for the posts of Deputy Secretaries-General. Deputy Secretary-General Marcello Marinari was no longer a candidate, as he had retired from the judiciary.

The President opened the discussion. No other candidatures were submitted.

## 4. Approval of the minutes of the meeting held in Marrakech (documentation: letter of 19th January 2010):

President Bento Company pointed out that the minutes of the meeting of Marrakech had been sent to all national associations and that no remarks had been raised within one month. The assembly submitted no objections; therefore the President stated the minutes of the meeting held in Marrakech as unanimously approved.

## 5. Report by the President of the IAJ and of the Foundation "Justice in the World":

President Bento Company recalled first of all the decision adopted in Rome this year (2010) by the Presidency Committee to invite all I.A.J. Officials taking the floor to reduce to maximum five minutes their interventions, when written reports have been previously distributed, in order to spare time for the debate. He therefore referred to his written report, evoking his participation in the meetings of the Presidency Committee in Rome as well as in all the meetings of all Regional Groups; he therefore mentioned the main issues debated during such events, as summarized in his written report. He also mentioned his participation in some other events like the Quadrennial Congress of the Federal Judges Association of the U.S.A. in Washington D.C., and in the Congress of Notaries in Marrakech. The President closed his presentation thanking all members of Presidency Committee, of the Secretariat-General and delegates in attendance, underlying that it was his last meeting as President and thanking everybody for the cooperation and the help provided.

No questions were raised on this report and the Assembly unanimously approved it.

## 6. Report by the Secretary-General:

Secretary-General Mura referred to his written report, dwelling in particular on the reform of the structure of the Secretariat-General. Ms. Daniela de Vincentiis had replaced Ms. Barbara Scolart as Assistant and she had immediately get acquainted with all main aspects of the work of the I.A.J. Ms. Scolart had however kept the technical organisation and managing of the budget and of the Web Site. Mr Mura added that, as already said, Deputy Secretary-General Mr Marcello Marinari had retired and

no other colleague had been found yet to replace him, but Mr Mura was envisaging to further investigate in this direction. The Presidency Committee had authorised him to find a colleague available for replacing Mr Marinari and to complete the composition of the General Secretariat. He noticed that the workload within the Secretariat-General is becoming more and more demanding, especially as far relations to national Associations are concerned. Much work had been required as well by the preparation of the meeting in Dakar. Mr Mura concluded his oral report by stressing that he was satisfied about the way the work within the I.A.J. was going on but the Secretariat-General was as usual available to receive any suggestions for improving the service rendered to national Associations.

Deputy Secretary General Mr Oberto informed the Assembly that the former President of the South African Association, Mr Dario Dosio, was in the process of preparing a newsletter of the I.A.J. to be regularly issued and delivered to all member associations. He then asked delegates to kindly send Mr Dosio (e-mail address: [dariodosio@worldonline.co.za](mailto:dariodosio@worldonline.co.za)) pictures referring to I.A.J. meetings. Member Associations were also invited to send short reports in English concerning the events they organise in their own respective countries to be published on the newsletter. The first issue of this newsletter has already been prepared and will be sent to all National Associations very soon. It will be as well published in the I.A.J. website.

#### 7. Reports by the Vice-Presidents responsible of the Regional Groups:

President Bento Company pointed out that this time no written reports were available for the E.A.J. and for the ANAO Group. The President of the Ibero-American Group Mrs. Crespo and the President of the African Group, Mrs. Diakité, referred to their respective written reports, sent to all national Associations. Mrs. Crespo dwelled in particular on the situation of some countries like Bolivia, Ecuador and Venezuela. President Crespo had as well participated in a Seminar on Intellectual Property and Judicial Evidence in Washington DC, invited by the International Academy of Justice from 7 to 15 October. Furthermore Mrs. Crespo informed the Assembly about the situation in Nicaragua, Honduras, Guatemala, Paraguay and Peru, debated during last meeting of the Group in Mar del Plata. The judges' associations in Portugal and Brazil reported in Mar del Plata their interest to create an association of judges who speak Portuguese. The setting up of such association was scheduled for 12 and 13 November 2010 in Praia, Cape Verde, with the support of the Brazilian and Portuguese Associations.

The President of the African Group, I.A.J. First Vice President Mrs. Fatoumata Diakité, took the floor to explain the main issues dealt with by her written report. She informed the Assembly that from 11<sup>th</sup> to 13<sup>th</sup> April she had visited Dakar, in order to assist the Senegalese colleagues in the preparation of the 2010 general meeting. She had also met very high ranking authorities, as well as the President of the Republic of Senegal, who had assured his personal endorsement for the I.A.J. meeting. She pointed out then that the meeting of the Group had taken place in Cotonou (Benin) from 22<sup>nd</sup> to 24<sup>th</sup> July, 2010. She also informed that she was in contact with the Portuguese Association, which was trying to establish special links with associations from countries such as Angola, Mozambique, Guinea Bissau and Cape Verde.

President Bento Company thanked Vice-President Crespo and First Vice-President Mrs. Diakité for their reports. Both reports were approved by the Assembly.

President Bento Company gave then the floor to Vice-Presidents Reissner and Valancius, who informed the Assembly about the meeting of the E.A.J. in Dakar, which had been presided over by the Executive Committee of the E.A.J. (Vice-Presidents Reissner and Valancius and Mrs. Lèbe-Dessard), as President Solbakken was unable to travel to Dakar for health reasons. They pointed out that during that meeting issues concerning the Council of Europe (CCEJ and CEPEJ) had been discussed. As for the situation of member Associations, the Assembly had debated over Serbia and a new resolution had been adopted, which will be submitted to the Central Council, in order to obtain the endorsement of the I.A.J. Also a resolution on the remuneration of judges had been approved. This document will as well be presented to the Central Council in view of the approval of a general resolution on that subject, during the last session of the meeting in Dakar.

As far as the ANAO Group was concerned, Secretary-General Mura provided some information on the meeting in Dakar, as ANAO President Mrs. Seybert could not travel to Dakar for family reasons (her father's death). Also Mr Robert Blair took the floor in order to underline the remarkable contribution given to the Group's activities by I.A.J. Vice-President Seybert.

President Bento Company thanked the rapporteurs and the Assembly approved also these reports.

The Italian delegates Mr Zuccarelli and Mr Balsamo took the floor to inform the Assembly about recent reforms and reform bills concerning the judicial organisation in Italy. Such reforms were aiming at considerably reducing the level of independence of judges and prosecutors and for this reason the biannual conference of Italian judges had been convened on 26-28 November in Rome, in order to discuss of these problems, with the attendance of the President of the Republic. They added that the Italian Association was not yet asking for support on this issue, as the constitutional bill had not been formally submitted to the Parliament. They explained they asked an intervention by the Assembly on the issue of salaries, which, according to a recent act approved by the Parliament, will be reduced of 5% or 10% in substantial parts of them as of 1st January 2011. The practical result will be in many cases an actual reduction of 15% -20%. They finally advocated a general resolution on the issue of judicial salaries by the Central Council and announced that the Presidents of the I.A.J. and of the E.A.J. will be invited to Rome to attend the above mentioned congress.

#### 8. Reports by the Executive-President of the Foundation;

The Executive-President of the Foundation, Mr Ruben Jimenez Fernandez, referred to the written report he had sent prior to the meeting of Dakar, explaining the financial difficulties of the Foundation. He added that so far no date had yet been fixed for the meeting of the Board and for the delivery of the award "Justice in the World," due to the lack of sufficient funding. He added that so far 6,000 copies of the review had been sent to national Associations, but more copies could be sent to the addresses of each Association, which would possibly desire to receive more copies. He underlined the importance of the review, which will focus on attacks to judicial independence. He therefore invited delegates to send articles on this subject. The new Director of the newsmagazine will be Mr Angel Galgo.

President Bento Company thanked on behalf of the Assembly the Executive-President for his work.

#### 9. Reports by IAJ's Representatives at the United Nations;

The I.A.J. Representative at the United Nations offices in Geneva, Mr Zappelli, referred to his written report, underlining in particular the contacts he had with the U.N. Special Rapporteur on the Independence of Judges and Lawyers. I.A.J. Representative at the United Nations offices in Vienna, Honorary President Woratsch, pointed out he could not attend two relevant meetings in Vienna, but the other Representative, Honorary President Markel, had been in attendance and had produced two reports, which had been sent to all delegates.

President Bento Company thanked all IAJ's Representatives at the United Nations.

#### 10. Associations which have not paid their contributions for several years;

Secretary-General Mura took the floor to inform the Assembly about the Associations which have not paid their arrears. He read out the content of Article 4, point 9, of the Statutes, according to which "9. If the payment of a member's subscription is in arrears of over three years, that member shall cease to belong to the Association unless the Central Council decides to the contrary." This was the situation of Bolivia, which had not paid their contributions for 2007, 2008, 2009 and 2010. Vice-President Crespo, on behalf of the Ibero-American Group, invited the Assembly to vote for a non-exclusion of the Association of Bolivia, as that Association was in a situation of financial difficulties and could not pay the annual contributions. Therefore that Association needed support by the I.A.J. The delegate from Argentina joined the proposal. Finally the Assembly decided that Bolivia should not cease to be member, according to the above-mentioned provision of the Statute.

Secretary-General Mura informed the Assembly that the financial report, distributed to all participants, had to be updated, taking into account payments made during the meeting of Dakar. More precisely, the following countries had settled all their arrears during the meeting: Argentina, Cameroon, Cyprus, Ivory Coast, Mexico, Spain and Togo. In arrears of more than one year were Bolivia (this country in arrears of more than three years), Costa Rica and The Former Yugoslav Republic of Macedonia.

The session was closed at 13.00.

Session of 10<sup>th</sup> November

Present: the President, Mr José Maria Bento Company, the First Vice-President, Mrs. Fatoumata Diakité, the Vice-Presidents Mrs. Cristina Crespo, Mr Gerhard Reissner and Mr Virgilijus Valancius; the Honorary Presidents Mr Sidnei Beneti, Mr Günter Woratsch and Mrs. Maja Tratnik; the Secretary-General, Mr Antonio Mura; the Deputy Secretaries-General, Mr Giacomo Oberto, Mr Galileo D'Agostino and Mr Raffaele Gargiulo, as well as the following national associations, represented by the delegates whose names are on the list attached to these minutes (see enclosure No. 2):

ALGERIA (EXTR. MEMBER)	LUXEMBOURG
ARGENTINA	MALI
ARMENIA (PROXY TO LATVIA)	MEXICO
AUSTRALIA	MOLDOVA
AUSTRIA	MOROCCO
BELGIUM	MOZAMBIQUE (OBSERVER)
BENIN (EXTR. MEMBER)	NETHERLANDS
BRAZIL	NIGER
CAMEROON	NORWAY
CANADA	POLAND
CHILE (PROXY TO PUERTO RICO)	PORTUGAL
CROATIA	PUERTO RICO
CZECKIA (PROXY TO HUNGARY)	REP. OF CHINA (TAIWAN) (PROXY TO U.S.A)
DEM. REP. OF CONGO (EXTR. MEMBER)	SENEGAL
DENMARK	SERBIA (EXTR. MEMBER)
EL SALVADOR	SLOVAKIA (PROXY TO AUSTRIA)
ESTONIA	SLOVENIA
FINLAND	SOUTH AFRICA
FRANCE	SPAIN
GEORGIA (PROXY TO MOLDOVA)	SWEDEN
GERMANY	SWITZERLAND
HUNGARY	TOGO
ICELAND	TUNISIA
IRELAND	TURKEY (EXTR. MEMBER)
ISRAEL	UKRAINE (EXTR. MEMBER)
ITALY	UNITED KINGDOM
IVORY COAST	UNITED STATES OF AMERICA
KAZAKHSTAN (EXTR. MEMBER)	URUGUAY
LATVIA	
LIECHTENSTEIN (PROXY TO SWITZERLAND)	
LITHUANIA	

The meeting was opened at 15.30 by President Bento Company.

#### 11. Budget of the International Association of Judges;

See enclosure No. 3.

Presenting the subject, Secretary-General Mura explained that the documents distributed by the Secretariat-General referred to the situation at the date of 25<sup>th</sup> October 2010. He added that the credit balances of the current accounts on 25<sup>th</sup> October 2010 were shown on the statements regarding the same day by the banks of the I.A.J. (“UniCredit Banca di Roma” and “Banco di Sardegna”). According to the decision taken by the Central Council in Marrakech on October 14<sup>th</sup>, 2009, the General Secretariat carried out the payment of 4,500 US\$ for the publication of the second volume of the IAJ series using the IAJ’s reserves to cover these expenses. For this reason the item “3f – office supplies and publications” was in the red.

He informed as well the Assembly that the Presidency Committee had decided to submit to the Central Council the proposal to increase the amount of expenses for the 3<sup>rd</sup> volume of the series published in Brazil under the coordination of Honorary President Sidney Beneti of 3,000 US \$, plus 1,000 US \$ for mailing fees. Therefore the allocation of funds for this purpose comes to 7,500 US \$ plus 1,000 US \$ for mailing fees.

Taking into account that Honorary President Beneti had not requested the reimbursement of the expenses he made for the publication of the 2<sup>nd</sup> volume, the Committee had decided to use the amount of money which could eventually be spared after having paid publication and mailing expenses for the 3<sup>rd</sup> volume, for reimbursing Honorary President Beneti of his expenses for the 2<sup>nd</sup> volume (or part of them).

Upon proposal of the President the Assembly unanimously approved the decisions of the Presidency Committee as well as the draft budget for the year 2010-2011. President Bento Company thanked the Secretariat-General and Honorary President Sidnei Beneti.

#### 12. Report by the auditors;

After the report of the auditors, who had been charged with examining the accounts (Mr Pagone and Mr Maciel), the assembly unanimously approved the financial report and the budget for the year 2009-2010 and discharged the Secretary-General of any responsibility in this respect.

#### 13. Report of the working group on criteria and procedure to be adopted in case of application for membership of the IAJ;

President Bento Company thanked Mr Régnard for the important contribution given with the report prepared by the commission he had been presiding over. On this topic President Bento Company read out the following decision adopted in Dakar by the Presidency Committee: “The Presidency Committee lengthily discussed the questions raised by the report about the criteria and conditions of membership in the I.A.J. Following this discussion, taking into account the extent of the issues raised, the Committee decided that it was first of all necessary to submit certain points to the attention of the Regional Groups and to give place by this way to a thorough consultation of member Associations. It thus decided to invite the Regional Groups to reflect on the following points, raised by the report:

1. - The maintenance of two statutes (ordinary member and extraordinary member) or, as an alternative, the abolition of the statute of extraordinary member;
2. - In the case of maintenance of the statute of extraordinary member:
  - 2.a. the possibility for an ordinary member to lose this status or for a member of being excluded from the I.A.J;
  - 2.b. – the obligation, before becoming ordinary member, to obtain the status of extraordinary member;
  - 2.c. – the extension of the rights of the extraordinary members;
3. - Contents of the reports on the applications for membership;
4. - Methods of diffusion of the reports and relative timeframes;

5. - Voting methods by the Central Council;
6. - Criteria to be followed for the admission.

Following the reflexion which will be carried out within the Regional Groups at their next respective meetings, the Presidency Committee will try to write proposals for an amendment of the Statutes of the I.A.J. within the meeting which will be fixed in June 2011. These proposals will be submitted to the Central Council at its next meeting.”

Mr Régnard took the floor thanking all colleagues who had cooperated in the drafting of the report and summarized the main points of it.

Upon proposal of the President the Assembly unanimously approved the report prepared by the working group presided over by Mr Régnard and approved the decision adopted by the Presidency Committee.

#### 14. New application for ordinary membership submitted by the association of Kazakhstan (item to be confirmed by the Presidency Committee):

The President informed the Assembly that the Presidency Committee had debated at length this issue. He added he had visited the country, where he had participated in the congress of local judges, perfectly organised by Kazak judges. The event had shown the commitment of that Association for the safeguard of judicial independence. He also expressed his approval of the report prepared last year by Mr Magnusson and Vice-President Valancius. On behalf of the Presidency Committee he read out the following decision, adopted by the Presidency Committee in Dakar: “The situation concerning Kazakhstan has some peculiar aspects because we dispose already of a report and on some points of it there was already a discussion in the Central Council. Therefore the Presidency Committee decided to follow the ordinary procedure, with the necessary adjustments to the peculiarities of the case.”

After a debate, Honorary President Tratnik explained that the application had arrived too late to be discussed within the meeting in Rome of the Presidency Committee. Finally, the Assembly unanimously approved the decision adopted by the Presidency Committee.

Secretary-General Mura informed the Assembly that the following countries had meanwhile submitted an application for membership: Albania, Guatemala, Guinea, Mozambique. The following extraordinary members had submitted an application for ordinary membership: Algeria, Benin, Democratic Republic of Congo and Ukraine.

#### 15. Election of the President, First Vice-President and other Vice-Presidents, Secretary-General and Deputy Secretaries General:

The Secretary-General, upon delegation by the President, introduced this item by reminding delegates again of the procedures for the election that had been provided for by the statutory provisions adopted in Vienna in 2003. He added that all ordinary members attending the meeting had voting right. He then listed the names of candidates for the posts of Vice-President.

Delegate from Mali took the floor to explain that the only candidate of the African Group was Mr Musi. The delegate from Morocco replied that, according to the I.A.J. statutes, no provision was against the possibility to have more than one candidate for each Regional Group.

Secretary-General Mura explained that there was just one candidate for the post of President of the IAJ, i.e. the present First Vice-President Fatoumata Diakité. Delegates from Belgium endorsed this candidature and upon proposal by President Bento Company and by the delegate from Italy, Mrs. Fatoumata Diakité was elected President by acclamation. Mrs. Diakité took the floor to thank the Assembly and asked President Bento Company to go on presiding over the session.

President Bento called for an open vote on the candidatures for the posts of Secretary-General and Deputy Secretaries-General. Mr Mura was re-elected by acclamation Secretary-General of the IAJ. Mr Oberto, Mr D’Agostino, Mr Gargiulo and Mr Aschettino were unanimously re-elected Deputy Secretaries-General. Secretary-General Mura took the floor to thank the Assembly, also on behalf of the whole Secretariat-General.

Delegate from Belgium then took the floor to endorse the candidature of Mr Régnard to the post of Vice-President.



As for the election of Vice-Presidents, the total number of countries admitted to the voting (directly or by proxy) was 51. Elections followed by secret ballot. After that, the commission of delegates elected to count the votes performed its task.

Following the results of the elections by secret ballot, Mr Blair (51 votes), Mrs. Crespo (51 votes), Mr Reissner (47 votes), Mr Régnard (44 votes), Mr Valancius (42 votes) and Mr Musi (41 votes), were elected Vice-Presidents. Mr Juenemann obtained 16 votes and Mr Faress obtained 14 votes. No ballot was declared null and void.

During the operations of vote all delegations received a copy of the book “Human rights and the judiciary” (Coordinator: Honorary President Ernst Markel).

Delegates of Brazil and Puerto Rico as well as Honorary President Beneti took the floor to propose Mrs. Crespo for the post of First Vice-President. Delegates of Sweden (also on behalf of all Scandinavian countries), of Switzerland (also on behalf of Liechtenstein) and of the United Kingdom proposed Mr Reissner for the post of First Vice-President. President Bento Company called for a secret ballot vote for this post. Following the results of the elections by secret ballot, Mr Reissner (28 votes) was elected First Vice-President of the IAJ. Mrs. Crespo got 22 votes. No vote was declared null and void. One ballot contained an abstention. In all, 51 votes were cast.

After the elections the delegate from Turkey on behalf of his Association submitted a written application for hosting the 2011 I.A.J. meeting in Istanbul. The application contained the specific reference to option “B” of the I.A.J. guidelines on the organisation of annual meetings. Mr Mura added he had requested the Turkish delegate to have the President of YARSAV send from Turkey a formal letter by fax or e-mail to the Secretariat-General.

At this point the retiring President Mr Bento Company gave a farewell speech in which he thanked again all the members of the Presidency Committee, all delegates and all the members of the General Secretariat.

Secretary-General Mura recalled statutory rules about proxies for the meeting of the next day.

The session was closed at 19.30.

The President of the I.A.J.  
Mr José Maria BENTO COMPANY

The Secretary-General of the I.A.J.  
Mr Antonio MURA

#### Session of 11<sup>th</sup> November

Present: the President, Mrs. Fatoumata Diakité, the First Vice-President, Mr Gerhard Reissner, the Vice-Presidents Mr Robert Blair, Mr Christophe Régnard, Mrs. Cristina Crespo, and Mr Virgilijus Valancius; the Honorary Presidents Mr Sidnei Beneti, Mrs. Maja Tratnik, Mr Günter Woratsch and Mr José Maria Bento Company, the Secretary-General, Mr Antonio Mura; the Deputy Secretaries-General, Mr Giacomo Oberto, Mr Galileo D’Agostino and Mr Raffaele Gargiulo, as well as the following national associations, represented by the delegates whose names are on the list attached to these minutes (see enclosure No. 4):

ARGENTINA	LITHUANIA
ARMENIA (PROXY TO LATVIA)	LUXEMBOURG
AUSTRALIA	MALI (PROXY TO IVORY COAST)
AUSTRIA	MEXICO (PROXY TO ARGENTINA)
BELGIUM (PROXY TO FRANCE)	MOLDOVA
BENIN (EXTR. MEMBER)	MOZAMBIQUE (OBSERVER)
BRAZIL	NETHERLANDS
CAMEROON	NIGER (PROXY TO SENEGAL)
CANADA	NORWAY

CHILE (PROXY TO PUERTO RICO)	POLAND
CROATIA	PORTUGAL
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EL SALVADOR	SLOVAKIA (PROXY TO AUSTRIA)
ESTONIA (PROXY TO LITHUANIA)	SLOVENIA
FINLAND	SPAIN
FRANCE	SWEDEN
GEORGIA (PROXY TO MOLDOVA)	SWITZERLAND
GERMANY	TOGO
HUNGARY	TUNISIA
ICELAND	TURKEY (EXTR. MEMBER)
IRELAND	UKRAINE (EXTR. MEMBER)
ISRAEL	UNITED KINGDOM
ITALY	UNITED STATES OF AMERICA
IVORY COAST	URUGUAY
KAZAKHSTAN (EXTR. MEMBER)	
LATVIA	
LIECHTENSTEIN (PROXY TO SWITZERLAND)	

The meeting was opened at 10.00 by President Diakité. Secretary-General Mura announced that Niger had given a proxy to Senegal, Mali had given a proxy to Ivory Coast, Estonia had given a proxy to Lithuania, Belgium had given a proxy to France.

President Diakité proposed to acclaim former President José Maria Bento Company Honorary President of the I.A.J. The Assembly unanimously approved the proposal by acclaiming former President José Maria Bento Company Honorary President of the I.A.J.

#### 16. Reports by the Presidents of the Study-Commissions. Selection of the new subjects;

President Diakité called on the Presidents of the four Study Commissions to report on the conclusions of the commissions. These commissions were on the subjects: “Ways to identify and classify criteria, objective and subjective, by reference to which the independence of the judiciary may be assessed” (1<sup>st</sup> Study Commission: Mr Richard Aikens); “Civil Issues Regarding the Protection of Privacy (with Particular Emphasis on Such Matters as Affected by the Internet)” (2<sup>nd</sup> Study Commission: Mr Robert Blair); “Human Trafficking” (3<sup>rd</sup> Study Commission: Mrs. Mary Moreau); “Aspects of Data Protection in Employment Relationships” (4<sup>th</sup> Study Commission: Mr Gerhard Kuras).

The Presidents also proposed the subjects for the Study Commissions for 2011.

The Central Council approved the conclusions as well as the proposals of the commissions on the following topics for 2011: “The physical and economic conditions of judicial independence” (1<sup>st</sup> Study Commission); “Cross-border issues in the face of increasing globalization – as reflected in a series of individual fact scenarios” (2<sup>nd</sup> Study Commission); “Criminal Organizations: Identification, Seizure and Forfeiture” (3<sup>rd</sup> Study Commission); “Unemployment Benefits” (4<sup>th</sup> Study Commission).

The Boards of the 4 Study Commissions will be the following:

1st – President: Mr Pol van Iseghem (Belgium); Vice-presidents: Mr Peter Hall (U.S.A.), Mr José Igreja Matos (Portugal) and Mr Thed Adelsward (Suède); Secretary: Mr Bernard Houassi N’Guessan (Ivory Coast).

2nd – President: Mrs. Zila Zfat (Israel); Vice Presidents: Mr Reiner von Zutphen (Holland) and Mrs. Jennifers Davies (Australia).

3rd – President: Mr Frans Bauduin (the Netherlands); Vice-Presidents: Mrs. Marit Bergendhal (Sweden), Mrs. Virginie Duval (France), and Mr Charles Simpson (U.S.A.).

4th – President: Mr Gerhard Kuras (Austria); Vice-presidents: Mr Philippe Bron (Belgium) and Mrs. Judith Snider (Canada).

President Diakit  thanked all the Study Commissions.

#### 17. Meetings of the IAJ in the next years. Possible host-countries;

Secretary-General Mura introduced the subject by reading the official letter sent that very day by the President of YARSAV to the Secretariat-General. President Diakit  gave the floor to the Turkish delegate to provide information on the application. The Turkish delegate explained that the date of the meeting would be September or October 2011. He provided also information on the relations between the judiciary and executive powers, which currently are tense in the country. A long debate took subsequently place on whether an extraordinary member could, according to I.A.J. statutes, host an annual meeting. In particular, the delegate of the United Kingdom Mr Aikens explained that he would prefer to avoid to repeat the same situation which occurred in 2008 with Armenia, where a vote on the application for ordinary membership of that Association was held in the hosting country. He added such a situation could unduly influence delegates.

Following the debate, Secretary-General Mura read the decision adopted by the Central Council in Trondheim on 27<sup>th</sup> September 2007, according to which “Finally the President called for an open vote on the issue whether an extraordinary member could host an IAJ meeting (interpretation of the par. 7 of the article 4 of the Constitution of the I AJ). The result of the vote was in favour of such possibility (38 votes for, 2 against and 5 abstentions; the Former Yugoslav Rep. of Macedonia was not eligible for voting, as it was in arrears with the payment of annual fees; the same was true for Malta, which had given a proxy to Italy).”

President Diakit  charged Deputy Secretary-General Oberto to read the decision adopted in Dakar by the Presidency Committee, according to which “the Presidency Committee decided as a rule that, in the future no application for membership (either ordinary or extraordinary) will be submitted for the vote by the Central Council if it deals with the Association of the country hosting that meeting.” Upon proposal of the Swedish delegate, the Assembly decided with an open vote to approve the above-mentioned rule stated by the Presidency Committee in Dakar (with 5 abstentions and 44 votes in favour).

Secretary-General Mura announced then that Mexico had given a proxy to Argentina.

Upon request by delegates of the following countries: Austria, Germany, Iceland, Israel, Liechtenstein, Netherlands, Norway, Sweden, Switzerland, United Kingdom, President Diakit  decided to call for a vote with secret ballots and the Assembly unanimously elected Mrs. Duval (France), Mrs. Moutngui (Cameroon) and Mr Steenbeck (Netherlands) auditors to scrutinize the ballots. 48 ballots were delivered, 36 in favour of holding 2011 meeting in Turkey, 10 against and 2 abstentions. The Turkish delegate took the floor to thank the Assembly for the confidence shown.

#### 18. Miscellanea.

The delegate of Spain illustrated a draft declaration on the subject of judicial salaries, which had been spread among the delegates. He added this was an initiative of the Ibero-American Group and of the European Association of Judges.

First Vice-President Reissner took the floor to illustrate another draft resolution on the same subject, issued by the European Association of Judges, which had approved in Dakar a resolution on the subject and had decided to submit the same issue to the Central Council. The same was true for a resolution adopted by the European Association on the problem of (re-)appointments of judges in Serbia. Mr Reissner mentioned as well the results of the works within the First Study Commission on the issue of judicial independence. He read as well both draft resolutions to the Assembly.

At this moment the delegation of Sweden left a proxy to the delegation of Denmark.

Upon proposal of the Secretary-General, the Assembly decided to consider the draft resolution on salaries whose texts started with the following sentence “Taking into account the measures...” as

withdrawn. The Assembly was therefore called to vote on the official proposal by the European Association of Judges to adopt the resolution concerning the remuneration of judges. The Assembly unanimously approved such proposal (see enclosure No. 5).

The Assembly as well unanimously expressed endorsement to the resolution on Serbia adopted in Dakar by the European Association of Judges (see enclosure No. 6).

The Brazilian delegate Mr Maciel and the Argentinean delegate Mr Fleming took the floor to illustrate the content of a document spread among all delegates. Signatories of this document, belonging to various Associations, manifested their discontent and their disappointment with the working methods of the I.A.J. Mr Maciel and Mr Fleming remarked that too much time was wasted in the Central Council to debate internal and organisational issues (such as admission of applicant associations, distinction between ordinary and extraordinary members, payment of annual fees, etc.) whereas we were experiencing a moment in which relevant attacks to the judiciary were brought all over the world. They criticised therefore the lack of a politics of the I.A.J. vis-à-vis the relations to the executive and legislative powers in many countries of the world, while Associations of more stable and democratic countries should help Associations of countries in which condition of judicial independence are not completely assured. Mr Juenemann (Germany) took the floor to endorse such plea. Also Secretary-General Mura took the floor to underline the necessity to fully exploit time devoted to debates within the Central Council for expressing the views of the I.A.J. on such delicate topics, always taking into account the need of previous discussions within each Regional Group.

I.A.J. President Diakité took the floor to point out the need for Regional Groups to adequately prepare the discussions and reflections on local topics and to transfer their dynamism to the Central Council. This kind of work should be adequately prepared by the respective Regional Group Presidents. Mrs. Diakité assured that the Presidency Committee will adequately reflect on this issue.

Closing the works of the meeting, President Diakité expressed her personal and I.A.J.'s thanks to Honorary President Tratnik who was about to leave the Presidency Committee for all the work done and for the results accomplished during her participation in the Committee as Vice-President, First Vice-President, President and Honorary President. She thanked again the hosting Association, the Presidency Committee, the Secretariat-General and all the delegations in attendance of the meeting.

The meeting was closed at 13.30

The President of the I.A.J.  
Fatoumata DIAKITE

The Secretary-General of the I.A.J.  
Antonio MURA

Enclosures:

1. List of participants (8 November 2010);
2. List of participants (10 November 2010);
3. Financial report and budget documents;
4. List of participants (11 November 2010);
5. Resolution on salaries;
6. Resolution adopted by the E.A.J. on Serbia.

## RESOLUTION

The General Council of the International Association of Judges, meeting at Dakar, Senegal on 11 November 2010

- (1) Takes due note of the serious economic problems facing many countries in the world; and
- (2) Notes the terms of the Basic Principles on the Independence of the Judiciary endorsed by the General Assembly of the United Nations in 1985 in particular the terms of the Paragraph 11 that adequate remuneration, conditions of service, pensions and the age of retirement shall be adequately secured by law; states ensure the status and remuneration of judges are commensurate with the dignity of their profession and the burden of their responsibilities; and
- (3) Notes also the terms of the Universal Charter of the Judge, adopted by the Central Council of the International Association of Judges in November 1999 Article 13, which stipulates that Judges must receive sufficient remuneration to secure true economic independence. The remuneration must not depend on the results of the judges' work and must not be reduced during his or her office. The judge has the right to retirement with an annuity or pension in accordance with his or her professional category.
- (4) Notes with concern that the governments of various states either have taken, or are considering, steps which will (or might) reduce the remuneration of their judiciaries (including their pension rights) in a manner which may be inconsistent with the above internationally accepted principles concerning the independence of judges within democracies governed by the Rule of Law:

THEREFORE URGES all such governments to ensure that no steps are taken which will or might imperil the above stated principles which are fundamental to the maintenance of democracy and the Rule of Law.

European Association of Judges  
Resolution concerning Serbia  
Dakar, 10 November 2010

At its meeting in Bordeaux on 7<sup>th</sup> May 2010, the European Association of Judges (EAJ) passed resolutions to urge Serbian authorities to remedy the infringements of the independence of the judiciary which had been caused by the so-called (re-) election process of judges and prosecutors which violated the principles of irremovability of judges and of judges' tenure of office and was exercised in a way, which was against fundamental principles of Article 6 ECHR.

In a similar way also the Consultative Council of European Judges (CCJE) passed a declaration.

The European Association of Judges regrets that it has to observe that its resolution and the declaration of the CCJE were not followed and the problems mentioned above were not solved so far.

In its plenary meeting of 10<sup>th</sup> November 2010 the EAJ decided to address the general assembly of the International Association of Judges (IAJ) with the issue asking for support.

The European Association of Judges once again urges the Serbian Authorities to remedy as quickly as possible this violation of the fundamental tenet of judicial independence, which happened by the election process last year by following the proposals of the Consultative Council of European Judges.