

INTERNATIONAL ASSOCIATION OF JUDGES

MINUTES OF THE MEETINGS OF THE CENTRAL COUNCIL YALTA, UKRAINE

 9^{th} October 2013 (8.30 – 12.30) - 10^{th} October 2013 (8.30 – 13.00)

Session of 9th October 2013

Present: the President, Mr. Gerhard Reissner, the First Vice-President, Mrs. Cristina Crespo, the Vice-Presidents Mr. Robert Blair, Mr. José Manuel Igreja Matos, Mr. Cagney Musi, Mr. Christophe Régnard and Mr. Virgilijus Valancius; the Honorary Presidents Mrs. Fatoumata Diakité, Mr. Sidnei Beneti, Mr. José Maria Bento Company, Mrs. Maja Tratnik and Mr. Gunter Woratsch; the Secretary-General, Mr. Giacomo Oberto; the Deputy Secretaries-General, Mr. Lucio Aschettino, 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):

Albania	Latvia	
Algeria	LIECHTENSTEIN	
Argentina	LITHUANIA	
Armenia	Luxembourg	
Australia	Mali	
Austria	MONGOLIA	
Benin	MOROCCO	
BELGIUM	MOZAMBIQUE	
Brazil	NETHERLANDS	
BULGARIA	Niger	
Canada	Norway	
CHILE	PANAMA	
COSTA RICA (PROXY TO URUGUAY)	Paraguay	
CROATIA	Peru	
CZECH REPUBLIC	POLAND	
DEM. REP. OF CONGO	PORTUGAL	
DENMARK	PUERTO RICO	
DOMINICAN REPUBLIC	REPUBLIC OF CHINA (TAIWAN)	
EGYPT (OBSERVER)	RUSSIA (OBSERVER)	
EL SALVADOR (PROXY TO PUERTO RICO)	SENEGAL	
Estonia	SERBIA	
Finland	Slovakia (proxy to Hungary)	
France	SLOVENIA	
Georgia	SOUTH AFRICA	
GERMANY	Spain	
Greece	SWEDEN	
Hungary	Switzerland	
ICELAND	TOGO (PROXY TO IVORY COAST)	
Ireland	TURKEY	
Iraq (Observer)	Ukraine	
ISRAEL	UNITED KINGDOM	
ITALY	UNITED STATES OF AMERICA	
IVORY COAST	URUGUAY	

President Reissner opened the meeting of the Central Council at 9.00, by welcoming all present. He expressed the deepest gratitude of the IAJ to the Union of Ukrainian Judges for the perfect organization of the meeting and then passed onto the examination of the points in the agenda.

1. Approval of the minutes of the meeting held in Washington;

President Reissner asked whether there were any remarks or objections to the minutes and received a negative answer. Therefore, the President stated the minutes of the meeting held in Washington, D.C., in 2012, as unanimously approved

2. Appointment of auditors to examine the accounts and the financial report and to report;

President Reissner informed the assembly that due to the new timetable of this year's annual meeting and the fact thet the Central Council's meeting started not earlier than Wednesday morning the Presidency Committee had already asked Mr. Walter Barone (Brazil) and Mr. Tony Pagone (Australia) in advance if they make themselves available as auditors and had handed them over the relevant documents in view of their examination. According to the Rules under the Constitution it is up to the CC to appoint the auditors, which is free whom to choose. The CCunanimously appointed Walter Barone and Tony Pagone as auditors.

3. Possible discussion on written reports by:

President Reissner recalled that the IAJ General Secretariat had distributed via e-mail to the member associations all the reports and invited the delegates to ask any possible clarification they needed on the reports.

3.1. the President of the I.A.J.;

President Reissner underlined two main aspects of his report.

Firstly, he attended the meetings of the Regional Groups and was impressed by the quantity and quality of their works. He stressed that the associations are facing similar problems all over the world, as independence of the judiciary is concerned and conflicts with the other powers of the State arose. He underlined also that when resolutions had been approved on certain topics, they have had a positive outcome, thus rewarding the engagement of the local association and the IAJ. He mentioned the meeting of the African Group. He also underlined that, even if a strike decided by local judges caused the withdrawal of the funding granted by the government to the conference, the event was nonetheless successful. This group dealt with the issue of discrimination against women. President Reissner suggested that the topic of discrimination might be taken into consideration for possible analysis also on a global level by the IAJ.

Secondly, President Reissner informed the assembly about the meetings of the Presidency Committee with the Boards of the Study Commissions to evaluate possible ways to enhance the Study Commission's work and visibility.

He then told the assembly that the IAJ Honorary Presidents decided to put their long experience at disposal of the PC and the IAJ and thus decided to set up an informal consultative council, whose spokesman is Honorary President Gunter Woratsch. The Presidency Committee had welcomed this initiative.

President Reissner announced that he will inform the Assembly on the other issues discussed by the PC when the relevant point on the CC agenda will be dealt with.

Finally, he asked whether there were any remarks on his report and the answer was negative. The Central Council approved IAJ President's report.

3.2. the Secretary-General;

Secretary-General Oberto referred to his written report underlining that this was his first year at the head of the General Secretariat. Mr. Oberto announced that the IAJ website had been renewed and that he will give a short presentation of it during the meeting. The main and most significant documents adopted by the IAJ are published on the website, which has three levels of accessibility: to the general public, to member associations, to members of the Presidency Committee. All the national reports to the Study Commissions were also published on the website, besides, of course, being distributed by email to IAJ Members.

Mr. Oberto stressed the fruitful cooperation he experienced with the Ukrainian Association of Judges in view of the organization of this meeting and thanked again all Ukrainian colleagues. He also

informed the Central Council about his contacts with the Brazilian Association in view of the 2014 meeting.

Mr. Oberto mentioned the intense General Secretariat's activities related to new applications for membership and to the enforcement of the statutory transitional rule applying to former IAJ extraordinary members.

The Secretary-General finally thanked the Deputy Secretaries General, Mr. Aschettino, Mr. D'Agostino and Mr. Gargiulo, the assistants Ms. De Vincentiis and Ms. Scolart and the new collaborator, Mr. Pavone.

President Reissner asked whether there were any remarks on Mr. Oberto's report and the answer was negative. The Central Council approved the Secretary-General's report.

3.3. the Vice-Presidents responsible of the Regional Groups;

Mrs. Crespo, in her capacity as President of the Ibero-American Group resumed the main aspects of her report, mentioning in particular the situation in Spain and Peru. Mr. Luis Maria Cabral (Argentina) took the floor, thanked President Reissner, Mrs. Crespo and Mrs. Knaul and conveyed to all colleagues the gratitude of the Argentinean Association for the solidarity received on the occasion of the recent reforms of the judiciary occurred in the country, which recently had been declared unconstitutional.

Mr. Blair, in his capacity as President of the ANAO's Group, referred to his written report and then explained the assembly the considerations and underlying arguments of the ANAOGroup's proposal for the amendment of the IAJ Constitution, meant to ensure rotation of the president of the IAJ between the four Regional Groups. He underlined that the ANAO Group, which is a georgraphically wide spread group with a smaller number of members than the other groups like all the other groups should have the possibility to regulary have the president out of its members. There is the feeling that the work of this Regional Group is almost unperceived and not acknowledged within the IAJ, notwithstanding the contribution given by the group and its members to the life and mission of the IAJ. Mr. Blair stressed that other Regional Groups' concerns about the possible infringement of the democratic principle if the ANAO's proposal would be approved is overvalued, since the proposal aims to guarantee a rotation over a space of twelve years and to modify IAJ dynamism to let space also to the smaller Groups, i.e. the African and the ANAO ones. The risk that a less qualified colleague would be elected only because of his geographical origin do not seem concrete, because such an event never occurred along IAJ's history. Mr. Blair concluded his speech inviting the assembly to consider ANAO's proposal until next year's meeting.

Mr. Regnard, in his capacity as President of the European Association of Judges, thanked the Ukrainian Association, member of the EAJ, for the perfect organization of the meeting. He then mentioned the problems faced this year by the judiciaries of Turkey, Portugal, France, Slovakia and Greece. He informed the assembly about the EAJ's intention to anticipate to 2014 the monitoring procedure forseen in Art. 7 of the Regulations under the Constitution for 2015 as far as the members of EAJ are concerned in order to organize a conference on the state of justice in Europe based on its results. He mentioned also the contacts established with other European organizations of law professionals and concluded his speech thanking the European associations and the Presidency Committee for the work done together.

Mr. Musi, in his capacity as President of the African Group, referred to his written report and reported on the conference of the Group, among other items focused on discrimination and violence against women. He recalled the outcomes of the conference on the inadmissibility of any form of violence against women and stressed the need for a global engagement to guarantee women's rights.

President Reissner asked whether there were any remarks on the Regional Groups' Presidents reports and the answer was negative.

3.4. the Executive-President of the Foundation "Justice in the World";

President Reissner told the assembly that the Executive President of the Foundation addressed his report only to the Presidency Committee and not to the Central Council and therefore briefly resumed the content of this document. Due to the financial situation and the economic crises the Foundation could not exercise any activity during the past year and there was also not enough funding available for the Justice in the World Magazine. The the Justice in the World Prize for the year 2012 was granted to the American Bar Association ABA for its training activities in several countries It

should have been awarded in September this year but the ceremony was postponed, possibly to December.

President Reissner asked whether there was any remark on the report and the answer was negative.

3.5. IAJ's Representatives at the United Nations;

President Reissner recalled that the reports drafted by the IAJ representatives at the UN seats in New York and Geneva have been distributed before the meeting. Regarding the UN seat in Vienna he was informed that there had been no notable activities in Vienna. He then gave the floor to Mrs. Mailhot for a short overview of her report.

Mrs. Mailhot provided the assembly with information on applications submitted to UN ECOSOC, on the release of Judge Afiuni Mora of Venezuela, who had been in denetion for more then a year and was supported by several initiatives of IAJ and especially the Ibero American Group also in raising the intention of the UN and its Special Rapporteur on the Independence of Judges and Lawyers.

President Reissner thanked Mrs. Mailhot and the other IAJ representatives at UN seats for the tremendous work they did.

3.6. Greetings of the guests;

Mrs. Gabriela Knaul, the UN Special Rapporteur on the Independence of Judges and Lawyers, took then the floor to greet the Central Council, illustrate her work in the past year and to ask the cooperation of IAJ member Associations in the drafting of a Manual on Human Rights to be used for the training of judges and in judges practical work.

4. Applications for membership: Montenegro;

President Reissner informed the assembly that there were no Montenegrin delegates attending the meeting and recalled that the report on the application had already been distributed by email to IAJ member associations. He then invited the rapporteurs, Mr. Sessa and Mrs. Hung to take the floor and illustrate the main aspects of the application and their findings. President Reissner thanked them and asked whether there was any question. After receiving a negative answer, he proceeded to an open vote. There were neither abstentions nor contrary votes and the Association of Judges of Montenegro was unanimously admitted by the Central Council as an IAJ member. The Secretary-General of the IAJ will inform the association of the decision of the CC.

President Reissner then informed the assembly about the situation of former extraordinary members for which the evaluation procedure is under completion. He recalled that these associations must submit their report within one year and that the expiry term elapses one year after the date of approval of the revised IAJ Constitution, i.e. 14 November 2013. The associations which have not yet answered the specific questionnaire will receive a reminder and if, by November 14, they will not fulfil the requirement to deliver the answers to the questionnaire the Presidency Committee will inform the Regional Groups according to Art. 12 of the Regulations. under the Constitution.

President Reissner then informed the assembly that for 3 out of 12 former extraordinary members the evaluation procedure was already finished: Albania, Nicaragua and Serbia. He then gave the floor to the rapporteur on the association of Nicaragua, Mrs. Cristina Crespo, who briefly summarized the reasons of her positive report. President Reissner then gave the floor to Mrs. Janja Roblek, rapporteur on the Association of Serbia, who briefly summarized the reasons of her positive report. Finally, President Reissner himself summarized his report on the situation of the Association of Albania, for which he had been charged as rapporteur., He thanked the other rapporteurs charged to evaluate the situation of the former IAJ extraordinary members and informed the assembly that the Presidency Committee had examined the answers to the questionnaires and the reports of the rapporteurs and concluded that in all three cases the respective association fulfills the crieteria set out in Art. 4 (2) and 3 of the Constitution of IAJ. The relevant documents (i.e. the answers to the questionnaire submitted by the concerned associations and the reports drafted by the ad hoc rapporteurs) will be distributed to the IAJ members.

The Central Council made no objections to the procedure.

President Reissner then informed the assembly that a working group had been created, which is charged to draft the conclusion of the Conference on the High Judicial Council, which will be composed of representatives of each Regional Group and presided over by President Reissner himself.

President Reissner also informed the assembly that, according to the information regarding the departure of the delegates which was provided by the organizers of the meeting, only 33 delegations will be attending the next session of the Central Council, scheduled on October 10th, i.e. 8 less than the minimum quorum to approve any decision. He therefore invited the member associations to consider the possibility of giving a proxy and recalled that each delegation may receive only one proxy.

5. Proposals for amendments to the I.A.J. Constitution and Regulations: 5.1. Proposed amendment to Article 8, Para. 4 of the I.A.J. Constitution;

President Reissner introduced the topic explaining that the proposal submitted by the ANAO Group met some objections in the other Regional Groups and was therefore withdrawn by the Group. The Presidency Committee decided to set up a Working Group to study possible ways to meet the exigency below the proposal, which will be composed of representatives of the four Regional Groups. President Reissner invited the IAJ member associations to send written contributions on this issue.

5.2. Proposed amendment to I.A.J. Regulations (administration fee); President Reissner then explained the proposal concerning the introduction of an admission fee for associations applying for membership of IAJ and in particular explained the two main reasons that induced the Presidency Committee to draft the proposal: first, the need to cover part of the expenses for rapporteur's mission in the concerned country and, second, to reduce the likelihood of situations, that the procedure was started and after that the applying association lost its interest and did not participate anymore.

The Secretary-General Mr. Oberto read out the proposal and the President put it to vote.. The proposal was unanimously approved by the Central Council.

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

7. Budget of the International Association of Judges;

President Reissner recalled the statutory rules concerning the consequences of non-payment of annual contributions: if the arrear is of more than one year the association loses its voting right; if the arrear is of more than three years, the association loses its membership in the IAJ unless the Central Council decide on the contrary.

President Reissner then gave the floor to Mr. Galileo D'Agostino, Treasurer of the IAJ, to illustrate the financial situation of the IAJ.

The Treasurer Galileo D'Agostino explained the assembly the content of the financial documents distributed to all member associations (enclosure n. 2). First of all he underlined that paragraph 2.d of the financial report stated which associations had not yet paid their annual contributions at the data of the closing of the balance (27th September) and informed the assembly about the payments made by some of these associations (Algeria, Argentina, Brazil, Ivory Coast, Taiwan) before the first session of the CC according to the statutes. He added that no member association was risking its membership because of its arrears.

and the Treasurer Galileo than gave a short overview about the financial situation and pointed at the paper, which had been delivered. He underlined that there had been no excess of item for any of the items of the IAJ budget. Mr. D'Agostino also illustrated the draft budget for the forthcoming year (2013-2014).

President Reissner thanked Mr. D'Agostino for the excellent work done and remarked that, thanks to the reserves and to the wise administration of IAJ finances, the financial situation of the IAJ is quite sound. No remarks were made by the Central Council on the report and, upon proposal of the IAJ President, the assembly unanimously approved it as well as the draft budget for the year 2013-2014.

8. Report by the auditors;

After the report of Mr. Barone, in his capacity as auditor charged with examining the accounts, on behalf of Mr. Pagone and himself the assembly unanimously approved the financial report and the closed budget for the year 2012-2013 and discharged the Presidency Committee and the General Secretariat of any responsibility in this respect. President Reissner thanked the auditors.

9. Final Report of the Working Party on Annual Contributions;

President Reissner summarized that there had been two main issues which lead to the creation of this working party, which on the request of the presidency Committee now delivered a final report. One was to make the system of contributions easier (historically established system of different classes of membership fees chosen by the association etc.)and considerations about possibility and necessity of an increase of income of IAJ in view of possible you kind of expenses. He recalled that the last augmentation of the contributions to the IAJ was decided in Vienna in 2003 and underlined but that so far and thanks to the extraordinary financial support by the Italian Association the yearly income was sufficient to cover the yearly expenses. An unavoidable feature is the reimbursement of travel and accommodation expenses of the rapporteurs on the application for membership on the occasion of their missions to the concerned country and other necessary travels in the interest of IAJ. Also, one could envisage sustaining some member associations in case their finances do not allow them to send at least one delegate to IAJ meetings, which of cause needed regulations and criteria. This means that there's the possibility that in future the IAJ might need to increase its incomes. President Reissner noted that the Regional Groups discussed the issue and agreed that at present there is no reason to decide an increase of the contribution fees.

The delegate of Portugal, Mrs. Maria Costeira, took the floor and underlined the importance of the special contribution granted by the Italian Association for the functioning of the IAJ General Secretariat. The Central Council applauded in sign of gratitude towards the Italian colleagues and President Reissner joined the assembly's thanks highlighting how remarkable and exceptional is the effort made by the Italian Association in times when the global financial crisis hit so badly all countries and Italy among them. He also thanked the working group and its chair Honorary President Antonio Mura for there work.

President Reissner then proposed to postpone points 10 to 12 of the agenda to the meeting of the following day and to deal with point 13. The Central Council approved this proposal.

13. Miscellanea.

President Reissner asked whether there was any topic to be discussed under miscellanea.

Honorary President Beneti asked to allow the Brazilian delegation to present the venue for the 2014 meeting and the Brazilian delegates asked the President of the Ukrainian Association to join them on the stage.

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

Honorary President Sidnei Beneti and the delegates of the Brazilian Association, Mr. Walter Barone, Mr. Geraldo Dutra de Andrade and Mr. Walter Pereira de Souza showed the assembly a video describing the location of the meeting, Foz de Iguaçu, in the State of Paraná, which was heavely applauded by the delegates of the Central Council.

Then Mr. Dutra de Andrade offered a present to Mr. Prysiazhniuk, President of the Ukrainian Association, and thanked him for the perfect organization of the meeting, the work done by the volunteers and the beautiful places visited during the excursion, expressing the hope to be as much successful as the Ukrainian colleagues were.

Mr. Prysiazhniuk took the floor to thank all delegates for their participation and their visit to Ukraina. He announced that on October 12th there will be the congress of the Ukrainian Association and he will hand over the leadership of the association, having reached the maximum number of mandates (two). He spent four wonderful years in an international environment and now has friends in 80 countries of the world.

President Reissner thanked again both the Ukrainian and the Brazilian associations for their commitment in favor of the IAJ and reminded all associations that a venue for the 2015 meeting has not been chosen yet, inviting them to evaluate the possibility of hosting the meeting.

The session was closed at 17.45.

Present: the President, Mr. Gerhard Reissner, the Vice-Presidents Mr. Robert Blair, Mr. José Manuel Igreja Matos, Mr. Cagney Musi, Mr. Christophe Régnard and Mr. Virgilijus Valancius; the Honorary Presidents Mr. Sidnei Beneti, Mrs. Maja Tratnik and Mr. Gunter Woratsch; the Secretary-General, Mr. Giacomo Oberto; the Deputy Secretaries-General, Mr. Lucio Aschettino, 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. 3):

ARGENTINA	KAZAKHSTAN	
ARMENIA (PROXY TO GEORGIA)	LATVIA	
AUSTRALIA (PROXY TO IRELAND)	LIECHTENSTEIN	
AUSTRIA	Lithuania	
BELGIUM	LUXEMBOURG (PROXY TO FRANCE)	
Brazil	MOLDOVA	
BULGARIA (PROXY TO SLOVENIA)	MONGOLIA	
CANADA	MOROCCO	
COSTA RICA (PROXY TO URUGUAY)	NETHERLANDS	
CROATIA	Niger	
CZECH REPUBLIC	NORWAY (PROXY TO DENMARK)	
DEM. REP. OF CONGO (PROXY TO BELGIUM)	POLAND (PROXY TO SWEDEN)	
DENMARK	PORTUGAL	
EGYPT (OBSERVER)	REPUBLIC OF CHINA (TAIWAN) (PROXY TO CROATIA)	
ESTONIA (PROXY TO FINLAND)	SENEGAL	
FINLAND	SLOVAKIA (PROXY TO HUNGARY)	
FRANCE	SLOVENIA	
GEORGIA	SOUTH AFRICA	
GERMANY (PROXY TO LIECHTENSTEIN)	SPAIN	
GREECE	SWEDEN	
HUNGARY	SWITZERLAND (PROXY TO NETHERLANDS)	
ICELAND	UKRAINE	
IRELAND	UNITED KINGDOM	
ISRAEL	UNITED STATES OF AMERICA (PROXY TO CANADA)	
ITALY	URUGUAY	
IVORY COAST (PROXY TO SENEGAL)		

President Reissner opened the meeting of the Central Council at 9.15 and gave the floor to the Secretary-General Mr. Oberto who showed the assembly the new IAJ website, illustrating the functioning, the contents, the access to it and showing how to search a document in the database.

President Reissner thanked the Secretary-General for the work done and for having improved in such an efficient way an important tool for the visibility of the IAJ.

10. Activities and Reports of the Study-Commissions; Selection of the new subjects;

President Reissner introduced the topic informing the assembly about the meeting that the PC had with the Boards of the Study Commissions, to find possible ways to make their work more fruitful not only on a scientific plan but also for the internal life of the IAJ. He invited the member associations to contribute with proposals and suggestions.

President Reissner called on the Presidents of the four Study Commissions to report on the conclusions of the Commissions on the following subjects: "How to promote in practical way the independence of judges as protectors of the International Human Rights Law" (1st Study Commission presented by Mr. Thed Adelsward); "Aspects of civil procedure: a) access to justice for self-represented litigants; b) civil process reforms" (2nd Study Commission presented by Mrs. Zila Zfat); "Environmental pollution: is criminal law a good instrument?" (3rd Study Commission presented by Mr. Frans Bauduin); "Rights of sick and disabled employees" (4th Study Commission presented by Mr. Philippe Bron).

The following subjects were to be dealt with by the Study Commissions in 2014 were presented: "Media, including social media, in the courtroom and their effects on judicial independence and the proper administration of justice" (1st Study Commission); "Challenges for civil environmental

law" (2nd Study Commission); "Environmental pollution: is criminal law a good instrument? A further evaluation" (3rd Study Commission); "Health and safety at work" (4th Study Commission).

The Central Council approved unanimously the conclusions as well as the proposed topics for 2014.

President Reissner urged member associations to contribute to the works of the Study Commissions by sending their reports.

12. Conclusions of the International Conference on High Councils of Justice;

President Reissner introduced the topic and explained the content of the draft resolution, in the meanwhile distributed to all delegates.

Mrs. Virginie Valton (France) took the floor to suggest some modifications of the French version of the text of the resolution and to underline that a document stating basic principles on the composition and functioning of the High Judicial Councils but mentioning in particular the case of one country, Ukraine, could not be used by the other national associations. After a debate, the Central Council unanimously adopted two resolutions, one general in character and the other concerning the HJC in Ukraine. They are annexed to these minutes (enclosures n. 4 and n. 5).

President Reissner then came back to the way and timetable how annual meetings are organized and asked the delegates to give their feedback on this years way how it was scheduled and to make proposals for future meetings. Mr. Duro Sessa (Croatia) took the floor to underline that the excursion should be maintained as it is an occasion to gather delegates in a friendly atmosphere. Mr. George Almpouras (Greece) suggested that the meetings are organized in places neighboring an international airport, that greater space is given to the Regional Groups' meetings and less to the Study Commissions', that the excursion is scheduled on the last day of the meeting to give delegates the chance of returning home earlier at the same time attending all the sessions of the CC.

President Reissner thanked the delegates for their comments and once again underlined the perfect organization of the meeting in Yalta and thanked all who contributed to this successful event and to the work dedicated to IAJ.

He then	closed	the	meeting	at	12.00.
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The IAJ President	the Secretary-General
Mr. Gerhard Reissner	Mr. Giacomo Oberto

Enclosures:

- 1. List of participants (9 October 2012);
- 2. Financial report and budget documents;
- 3. List of participants (10 October 2012);
- 4. Resolution on the High Councils for the Judiciary;
- 5. Resolution on the High Council for the Judiciary of Ukraine.