



N E W S L E T T E R

President's greetings



Justice Fatoumata Diakite

In my capacity as the new President of the International Association of Judges, following my honourable predecessor, Honorary President José Maria BENTO COMPANYY, I would like to commend the creation of this newsletter which will directly contribute towards enhancing better communication for all the Judges in the world who participate in our organisation.

My pride is enhanced by the fact that the creation of this newsletter occurred the day before the congress in Dakar, the sixth of this kind held in an African country within the 60 years of the existence of the IAJ: Tunisia having hosted in (1970, 1980 and 1985), Morocco having hosted in 2009 and Senegal having hosted in 1983 and 2010.

The congress in Dakar, was devoted to the renewal of the structures of the IAJ, marking a new start for the African Regional Group.

Since its creation in 1995, the African Regional Group will be chaired for the next two (02) years by a Judge from an Anglophone country, namely, our colleague Justice Musi Cagney from South Africa.

The additional significant aspect of the Dakar Congress is that in the IAJ's 60 year existence, for the third time, a woman president was elected as president of the association. This is equally noteworthy because in the African continent the Judiciary sometimes seems to be a man's business.

All these occurrences confirm that the IAJ has never ceased being a great family where friendships and hospitality are cultivated irrespective of race, sex or culture.

As a president originating from the African Regional Group, I am confident this newsletter will spread more easily and more regularly throughout the world and

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especially among the African colleagues where the principles of the independence of the judiciary as enshrined in our statutes is so fundamental.

I am convinced that our newsletter will be an effective means to contribute to the enlarging of the African Group and to better co-ordinate the efforts of the African Judges in their quest for independence.

During the two (02) years of my mandate I would like, with the support of the Presidency Committee and all the Regional Groups, to reflect deeply on the best way and the best possible means to bring into effect the work and deliberations of our annual congresses, thereby bringing into fruition the deep aspirations of the IAJ member associations. This is to dispel any possible wrong or right impression on the part of the associations that the IAJ is not supporting their cause.

En ma qualité de nouvelle Présidente de l'Union Internationale des Magistrats, je voudrais, à la suite de mon illustre prédécesseur, le Président d'honneur José Maria BENTO COMPANYY, me féliciter de la naissance d'un moyen de communication au service de tous les Magistrats du monde réunis au sein de notre organisation.

Ma fierté est d'autant plus grande que cette naissance est intervenue à la veille du congrès de Dakar, la sixième qui se tient dans un pays d'Afrique en 60 ans d'existence de l'UIM, Tunisie (1970, 1980 et 1985) Maroc (2009) Sénégal (1983, 2010).

Ce congrès de Dakar, consacré au renouvellement des structures de l'UIM, marquera un nouveau départ pour le Groupe Régional Africain.

En effet, depuis sa création en 1995, ce Groupe sera présidé pour les deux (02) années à venir par un-

Magistrat de l'espace linguistique anglophone en la personne de notre collègue Musi Cagney d'Afrique du Sud.

L'autre fait marquant du Congrès de Dakar, c'est l'élection pour la troisième fois en 60 ans d'une femme à la tête de notre Union et ce dans un continent où la Magistrature par endroit semble être une affaire d'Hommes.

Toutes ces singularités viennent confirmer ce que l'UIM n'a jamais cessé d'être à nos yeux, à savoir, une grande famille où se cultivent l'amitié et la convivialité sans distinction de race, de sexe ou de culture.

En tant que Présidente issue du Groupe Régional Africain, je fonde beaucoup d'espoir sur ce média pour diffuser plus facilement et plus régulièrement à travers le monde mais surtout auprès des collègues africains les principes fondamentaux de l'indépendance du pouvoir judiciaire tels que contenus dans nos statuts.

Je reste persuadée que notre newsletter sera pour nous un moyen efficace d'aider à l'agrandissement du Groupe Africain et à une meilleure coordination des efforts des Magistrats Africains dans leur quête d'indépendance.

Durant les deux (02) années de mon mandat, j'aimerais avec l'appui du Comité de Présidence et de tous les Groupes Régionaux approfondir la réflexion sur les voies et moyens à mettre en œuvre pour rapprocher les travaux des congrès annuels des aspirations profondes des Associations Membres de l'UIM qui, à tort ou à raison, ont parfois l'impression que la solidarité de l'UIM à l'endroit des Associations confrontées à des difficultés n'est pas toujours perceptible.

ORGANISATION CHART**PRESIDENCY COMMITTEE****President**

Mrs. Fatoumata DIAKITE,
Judge of the Supreme Court of
Ivory Coast

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Mr. Gerhard REISSNER,
President of the district court
of Floridsdorf, Vienna (Austria),
President of the European
Association of Judges -
Regional Group of the IAJ

Vice-Presidents

Mr. Robert BLAIR (Canada),
President of the Asian, North
American and Oceanian
Regional Group of the IAJ



Mrs. Cristina CRESPO
Judge of the Civil Court of
Montevideo (Uruguay),
President of the Ibero
American Regional Group of
the IAJ



Mr. Cagney John MUSI (South
Africa), President of the Afri-
can Regional Group of the IAJ



Mr. Christophe REGNARD
(France)



Mr. Virgilius VALANCIUS,
President of the Supreme
Administrative Court of
Lithuania

Honorary President

Mr. José Maria BENTO
COMPANY,
Judge of the "Registro Civil
Único" of Madrid

Secretary General

Mr. Antonio MURA
Court of Cassation Judge,
"Sostituto Procuratore
Generale" of the Supreme
Court of Italy

Deputy Secretaries General



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Turin (Italy)



Mr. Lucio ASCHETTINO,
Judge of the Criminal Court of
Naples (Italy)



Mr. Galileo D'AGOSTINO,
Liaison Magistrate in Spain



Mr. Raffaele GARGIULO,
Judge of the first instance
Court of Rome (Italy)

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Mr. Pol VAN ISEGHEM
(Belgium)

Vice-Presidents:

Mr. Peter HALL (USA)
Mr. José Igreja MATOS (Portugal)
Mr. Thed ADELWARD (Sweden)

Secretary:

Mr. Bernard N'GUESSAN (Ivory Coast)

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**President:**

Mrs. Zila ZFAT (Israel)

Vice-Presidents:

Mr. Reinier VAN ZUTPHEN (the Netherlands)
Mrs. Jennifer DAVIES (Australia)

Third Study Commission

President:

Mr Frans BAUDUIN (the Netherlands)

Vice-Presidents:

Mrs. Marit BERGENDAHL (Sweden)
Mrs. Virginie DUVAL (FRance)
Mr. Charles SIMPSON (USA)

Fourth Study Commission

President:

Mr. Gerhard KURAS (Austria)

Vice-Presidents:

Mr. Philippe BRON (Belgium)
Mrs. Judith SNIDER (Canada)

IAJ Representatives at the UN Headquarter in New York

Mrs. Joanna SEYBERT, United States District Judge (Eastern District of New York), Ex-President of the Asian, North American and Oceanian Regional Group of the IAJ



Mrs. Louise MAILHOT, Justice of the Court of Appeal of Québec, Canada

IAJ Representatives at the UN seat in Geneva

Mr. Pierre ZAPPELLI, Justice of the Swiss Federal Tribunal



Mrs. Louise MAILHOT, Justice of the Court of Appeal of Québec, Canada

IAJ Representatives at the UN seat in Vienna

Mr. Gunter WORATSCH, Honorary President of the IAJ



Mr. Ernst MARKEL, Honorary President of the IAJ

MESSAGE FROM THE EDITOR

Dear colleagues

Please will you send me articles of interest and photos to publish in the newsletter.

If your association is planning any events of interest or conferences please send me this information. My e-mail address is

DDosio@justice.gov.za .

Pourriez-vous, s'il vous plait, m'envoyer les photos des événements qui ont eu lieu dans vos pays respectifs, accompagnées d'un bref commentaire.

Le texte peut être rédigé en Français, je me chargerais de le traduire en Anglais.

Veuillez également envoyer à mon adresse e-mail les noms des sites Internet de vos différentes associations. En vous remerciant par avance.

Cordialement.

Dario Dosio



Editor of the IAJ newsletter

Dario Dosio

DDosio@justice.gov.za

NEXT MEETING OF THE IAJ

4th - 8th September 2011
Istanbul, Turkey

"On behalf of the I.A.J, the President of the Association of Judges and Prosecutors of Turkey, Mr Murat Arslan welcomes delegates to the 54th meeting of the IAJ which will be held in Istanbul, Turkey from 4 to 8 September 2011. The conference will take place at the Conrad Hotel and a website has been set up which may be accessed by visiting www.congresium54.org. The password is "congress 54". (if you're reading this newsletter in PDF on your PC just click [here](#) and the website will open.)

REGIONAL MEETINGS - EUROPEAN REGIONAL MEETING**Meeting of the European Association of Judges – MALTA 6th May**

Justice Gerhard Reissner
*President of the
European Regional Group*

On the 6th of May 2011 the European Association of Judges met in Malta. The meeting was hosted by the Maltese Association of Judges. The countries that attended were Armenia, Austria, Azerbaijan, Belgium, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Hungary, Iceland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine and United Kingdom.

The president of the E.A.J, Justice Gerhard Reissner informed the delegates that he had forwarded the resolution on salaries together with the resolution concerning the remuneration of Judges in Europe, which was adopted in Cracow in 2009, to the CCEJ. He also stated a letter had been sent to the Icelandic authorities on the subject of the reduction of salaries of judicial officers. He also reported back on a fact finding mission to Sofia and also about co-operation with European organisations and bodies, for example, the Council of Europe, the European Union, the Vienna Human Rights Agency and the European Network of the Councils for the Judiciary-ENCJ. In respect to the European Affairs Commission of the International Union of Notaries, it was stated that Deputy Secretary-General Oberto had attended the meeting in Tirana, where new joint initiatives were discussed pertaining to the organization of a congress dealing with the selection of Judges and Notaries in Europe. The president also referred to the possible co-operation in the future with the Directorate General of Human Rights and Legal Affairs, which is tasked with the promotion and training on the rule of law to new member states of the Council of Europe and neighboring countries. A report of the Working Group on the State of Member Associations was presented by the Chairperson to this committee, Mr Stephan Gass. The position in Bulgaria was out-lined, with Mr Gass mentioning that the written report contained the findings of the working group. The Bulgarian delegate expressed sincere thanks for the

findings of the report. The President of the E.A.J expressed his concern at the uneasiness of Bulgarian Judges who are currently under pressure by the Executive and do not feel protected by the Judicial Council. It was decided to send this report to the Council of Europe and to the European Commission. The position in Slovakia was then discussed. Mr Gass explained the concerns pertaining to the Slovakian Association as well as the Slovakian Judiciary, specifically in respect to the judicial independence in Slovakia. Judicial remuneration and inappropriate criticisms of judicial decisions by the Executive were also of serious concern. The president of the Slovak Association gave an account of the problems pertaining to judicial independence and also the problem pertaining to two competing associations in Slovakia. The honorary president Woratsch indicated that he had tried to unite the two associations but to no avail. This division was also not assisting the Judges in their cause. It was indicated the current President of the Supreme Court and the former Minister of Justice, Mr Hrabín had contributed to these obstacles being present. The working group needs further information about the proposed legislation in Slovakia, after which the President of the E.A.J will write a letter to the Slovak authorities indicating the proposed resolutions to be adopted at the Istanbul conference in September. The letter will address the E.A.J's concern pertaining to the existing misuse of disciplinary proceedings against Judges.

The French association distributed a guide on Judges rights in France, prepared by the French Association, in order to inform French Judges of their legal rights.

The Hungarian association reported the concerns they had in respect to issues pertaining to retirement age in their country. It was unanimously decided that a letter would be sent by the president of the E.A.J to address this.

Italy reported that they will submit a document prior to the meeting of Istanbul outlining the envisaged reforms of the judiciary in Italy.

Iceland reported that an increase had been effected to judicial salaries in Iceland, but it was temporary, ending in 2013. They requested the President of the E.A.J to send another letter to Icelandic authorities voicing their criticism that this was awarded to certain Judges only.

The topic of freezing of or reduction of salaries in many European countries was discussed. The Associations of Italy, Iceland, Portugal and Spain are predominantly affected by the reduction of salaries of Judges.

The President of the E.A.J group expressed a concern pertaining to the re-election process of Judges and Prosecutors in Serbia. The resolutions taken in Dakar and Bordeaux, together with a copy of the Declaration of the CCJE on this issue was sent to the Serbian President, Minister of Justice, Ombudsman, President of the High Council, and the President of the Constitutional Court. Copies were also forwarded to the European President of the Commission, Vice-President of the Commission, the CCJE and the Venice Commission. The reactions that have been received thus far are all very supportive.

The discussion on the possible amendment of the constitution of the IAJ, pertaining to the prerequisites for membership to the IAJ as an ordinary or extraordinary member was postponed to the meeting in Istanbul.

The future dates of the E.A.J Regional group are:

10-13 May 2012 in Amsterdam, Netherlands

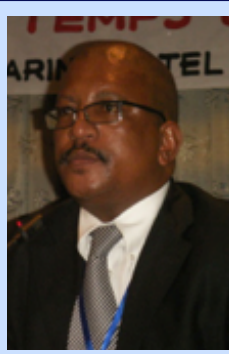
2013 the meeting will take place in St. Gallen, Switzerland

2014 the meeting will take place in Limassol, Cyprus.

Pictures of delegates who attended the European Regional Group



Meeting of the African Regional Group



Justice Cagney Musi
*President of the
African Regional Group*

The African Regional group met in Bamako, Mali from 20-23 June 2011. The conference was hosted by the Mali Association of Judges. The two topics that were dealt with at this conference were : firstly, "The role of the Judiciary in the consolidation of democracy in Africa", and secondly, "The role of the judge in the protection of the environment in Africa". The meeting was presided over by the president of the African group, Justice Cagney Musi as well as the president of the I.A.J, Justice Fatoumata Diakite as well as the deputy secretary-general of the I.A.J, Mr Giacomo Oberto. The countries that were present were Algeria, Benin, Burkina Faso, Cameroon, Dem. Rep. of Congo, Guinea (observer), Ivory Coast, Mali, Mozambique (observer), South Africa, Senegal and Togo. Of importance at this meeting was the presence of the observer countries, namely, Burkina Faso, Guinea and Mozambique. President Musi encouraged a culture of information sharing amongst the African member countries of the I.A.J. He referred to the visit of the delegation of the Democratic Republic of Congo to South Africa whereby he explained to the delegation that only one association per country may be a member of the I.A.J, and that the RDC is already represented by SYNAMAC. He offered to mediate between the two associations in order that they might amongst themselves decide on one representative to the I.A.J. President Musi urged that more African countries should be part of the I.A.J and urged all delegations to make contact with other African countries to convince them to become members of the I.A.J. During the report by the various countries, the Ivory Coast stated that the judiciary had been affected by the recent political events in their country. The Malian Association stated that Constitutional reforms were underway which would affect the High Council of the Judiciary. The Association of the Democratic Republic of Congo stated that certain changes had taken place in their country resulting in certain Judges losing their posts. The Association of Senegal stated that in their country there was a lack

of confidence in the judiciary and that the association was doing everything possible to sensitize the public. South Africa stated that the Chief Justice had created a remuneration committee and that the Judicial Association of Judges of South Africa participated in this structure.

The three observer countries were given an opportunity to remark on their respective countries and Burkina Faso indicated that the principle of the separation of powers was not fully implemented in their country and many conflicts had arisen between the judiciary and the executive. It was stated that the judges embarked on a three week strike which received support from the legal professions. Burkina Faso stated that the minister's powers are currently too wide and that a commission has been set up to also consider the views of judges.

The Association of Guinea expressed the efforts that their association had achieved since 2007 when they had opposed the former President resulting in the formation of a special new ministry which concentrated on managing conflicts. The Association of Guinea further stated that they had submitted proposals during the Assembly arranged by the President of the country in March 2011.

The Association of Mozambique expressed its desire to be accepted as a member to the I.A.J and stated that even though problems were still being experienced in their country they were confident they would be overcome. The report in respect to the inclusion of Mozambique in the I.A.J, compiled by Ms Van Schalkwyk (South Africa, as first rapporteur) and Mr Igreja Matos (Portugal, as second rapporteur) will be placed on the agenda of the Central Council meeting in Istanbul.

The report on the inclusion of the Democratic Republic of Congo as ordinary member will be completed soon. The report on Guinea as inclusion as member of the I.A.J was also ready. The reports for the inclusion of Algeria and Benin as ordinary members would also be submitted for approval in Istanbul.

A discussion ensued on the criteria and conditions of membership to the I.A.J. The African Regional group resolved that the current distinction between ordinary and extraordinary membership should be eliminated and that all current extraordinary members should automatically become ordinary members.

The Association of Guinea declared its availability for the next African Regional meeting. The topic of this conference will still be announced.

Photos of the African Regional Group meeting



Justice Fodié Touré
President of the Association of Judges of Mali

Meeting of the Iberoamerican Regional Group



Justice Cristina Crespo
President of the Iberoamerican Regional Group

The Iberoamerican regional group met in Recife, Brazil from 17-18 may 2011. The member countries that attended were Argentina, Chile, Brazil, Costa Rica, El Salvador, Mexico, Nicaragua, Panama, Spain, Portugal, Paraguay, Puerto Rico and Uruguay.

The President of the Iberoamerican group opened the meeting. The aspects pertaining to judicial independence were discussed. Highlighted was the appointment of Judges and their earnings which is essential for judicial independence.

Each of the member associations then spoke about the status of judicial independence in their respective countries.

The Association of Judges and Magistrates of Honduras (observer) expressed a total dissatisfaction in regard to the power the executive exerts in respect to the judiciary, in that the executive questions judicial decisions directly affecting the independence of Judges.

The Association of Judges and Magistrates of Guatamala (observer), expressed a concern about the vulnerability of judges and magistrates, the security of tenure of judges of the first instance and judges who are elected for a five year period. The composition of the governing body of the judiciary and the judicial disciplinary board was also a matter of concern.

The Association of Judges and the justice officials of Argentina raised the concern that there was a delay

on the side of the executive in appointing 152 judges who were eligible for appointment.

The Association of Judges and Magistrates in Colombia (observer), gave an outline how the proposed article 125 of the Constitution, which is to be introduced by their National Congress will affect the judiciary.

The Association of Judges and Magistrates of Nicaragua expressed a concern about the possible manipulation of appointment of judges when their term of office was up for renewal.

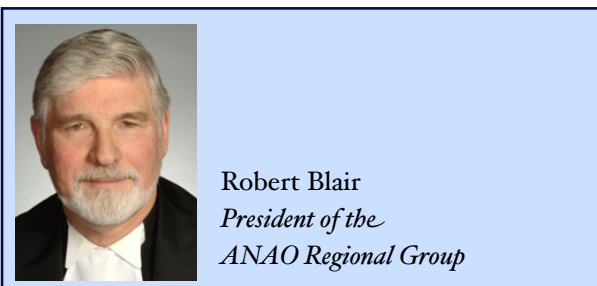
On the agenda was also the incidents affecting three colleagues, one, Justice Pachi Tapia of Bolivia, Justice Maria Lourdes Afuini of Venezuela, and a colleague from Columbia that was assassinated whilst effecting his judicial function.

A declaration was signed by the countries attending, calling on the governments of all the affected countries, for a neutral and independent judiciary; free from external and internal pressures; eliminating any indirect pressure on the appointment of judges to renewable terms; being autonomous and able to manage its own budgets and resources; and ensuring security for judges thereby ensuring a proper independent judiciary. The signed declaration is to be strictly observed by all affected countries, to ensure the separation of powers, which is an essential element for the rule of law, which is also in line with the minimum standards on the independence of the judiciary and the declaration signed by the Latin American Judges in Campeche on 15 April 2008.

Pictures of delegates who attended the Iberoamerican Regional Group



Meeting of the Asia, Oceania and North America Regional Group



On 7 November the ANAO Regional group met at the Le Meridien in Dakar, Senegal. The countries present were Australia, Canada, Italy, Kazakhstan, Puerto Rico and the United States. Absent was the Vice President Joanna Seybert who regrettably due to the death of her father was unable to attend. Condolences are extended to Joanna Seybert. Justice Robert Blair chaired the meeting and was also unanimously elected as the new president of the ANAO Regional Group. Judge Joanna Seybert is thanked for the wonderful work she has done during the term of her office.

The various countries reported on their activities for the past year.

The United States reported on the quadrennial conference which was held in Washington DC. This was referred to in the 1st IAJ newsletter. Of interest is that United States Judges had also sought lobbyists to seek to achieve pay fairness in office. Senior Federal Judges have filed a lawsuit which is now pending for potential hearing in the United States Supreme Court. Australia reported that some Federal Court Judges still suffered from a differential tax treatment arising from provisions relating to superannuation levies. It was reported that the Victorian Attorney General encouraged Judges to act as mediators when dealing with cases.

Canada reported concerns that Judges are appointed to public enquiries and are also appointed as Judges of specialized administrative tribunals dealing for example with aboriginal claims. In these tribunals they do not act as Judges but are expected to carry out their normal judicial functions without the necessary support.

Kazakhstan reported that their association of Judges started in 1994 following the independence of

Kazakhstan in 1991. It was stated that the structure of their courts is similar to those in Europe.

Judges from Canada stated that Judges in their country participated regularly in dispute resolutions, including mediation and also participated in settlement conferences.

A discussion took place in respect to mentoring of Judges being considered for appointment. Reference was made of a new commission in Italy responsible for examining judgments of candidates eligible for appointment to the Court of Cassations. This commission is tasked with evaluating “technical” aspects of the judgments and not the merits. The process has been in place in Italy for more than a year

and a half. Reference was also made to Kazakhstan where institutional mentoring for Judges has been in place for more than three years.

In respect to Kazakhstan’s application for ordinary membership to the IAJ, it was unanimously adopted that the IAJ should consider the Kazakhstan application as a continuation of its previous application for ordinary membership rather than as a new application.

It was decided that the topic for the 2011 ANAO group meeting would be “The role of Judges as mediators: implications for judicial independence and the rule of law”.

NEWS FROM AROUND THE WORLD

News from South Africa

Meeting of the South African group JOASA, with members from the the Syndicat De La Magistrature Du Congo

On Friday the 6th of May, the members of the Judicial Officers Association of South Africa met the Syndicat De La Magistrature Du Congo in Johannesburg, South Africa. Present were Justice Cagney Musi, ex-president of JOASA (President of the African group of the IAJ), Mr Maumela, ex-president of JOASA, Ms Van Schalkwyk, ex-president of JOASA, Mr Dosio, ex-president of JOASA, Mr Ratshibvumo, current President of JOASA, Mr Joemath, Deputy President of JOASA, Ms Collis, National Treasurer of JOASA, Kayumba Phillippe, President of the Syndicat De La Magistrature Du Congo, Kiwi-Kilonda, Vice President, Diakanua Genevieve, Vice Presidente Chargee des femmes, Bialu-Kencu. Vice Presidente chargee du sociale, Laurent Cishimbi, secretaire general adjoint, Sylvie Lulua Muya, Tresouriere Adjointe, Michel Sheba Musua Kala , conseiller, Anguy Mazenga-Kima, President



Provincial de Synco-Ville de Kinshasa, Daniel Kajongo, secretaire permanent, Annue Sumbu, membre.

JOASA hosted the event at the Tribes restaurant, Emperors, Johannesburg, South Africa. An exchange took place of what the various associations do in their respective countries and also the importance of associations in Africa and in the IAJ.

Future Events

The next Annual General Meeting of the Judicial Officers Association of South Africa will be held in the Eastern Cape on the 27th of August 2011.

News from Italy

The President of the ANM, Luca Palamara addressing the XXX meeting of the Association of Magistrates, Rome, Italy (26-28 November 2010)

The XXX Congress of the National Magistrates of Italy was held in Rome from 26-28 November 2010. The theme of the conference was “Magistrati Forza Rinnovamento”. The conference concentrated on what has not worked in the judicial system and encouraged a process of change.



Future Events

The Central Steering Committee of the Association of National Magistrates of Italy during their meeting on the 25th of June 2011 unanimously resolved that all the proposals set out in point 1 of the agenda (debate on the amendments to the Statute of the ANM) and the amendments tabled during the meeting would be placed for consideration at the **next general assembly** which is scheduled for **1 October 2011 in Rome**.

Note from the Editor

Please send dates of Annual General Conferences in your respective countries to DDosio@justice.gov.za