



MINUTES OF THE MEETINGS  
OF THE CENTRAL COUNCIL – MARRAKECH (MOROCCO)  
Monday, 15<sup>th</sup> October 2018 (10.00 – 13.00)  
Tuesday, 16<sup>th</sup> October 2018 (09.00 – 13.00)  
Thursday, 18<sup>th</sup> October 2018 (09.00 – 13.00)

**Session of 15 October 2018**

Present:

- the President, Mr. Christophe Régnard;
- the First Vice-President, Mr. Tony Pagone;
- the Vice-Presidents Mr. Rafael De Menezes, Mr. José Manuel Igreja Matos, Mr. Cagney Musi, Mr. Duro Sessa and Mr. Mikael Sjoberg;
- the Honorary Presidents Mrs. Cristina Crespo, Mr. Sidnei Beneti, Mr. José Maria Bento Company, Mrs. Maja Tratnik, Mr. Gerhard Reissner and Mr. Günter Woratsch;
- the Secretary-General, Mr. Giacomo Oberto;
- the Deputy Secretaries-General, Mr. Lucio Aschettino, Mr. Galileo D'Agostino and Mr. Raffaele Gargiulo;
- the IAJ representative at the UN seats in New York, Mrs. Louise Mailhot;
- the delegates of the following national associations:

ALGERIA	LIBERIA
ANGOLA (OBSERVER)	LIECHTENSTEIN
ARGENTINA	LITHUANIA
AUSTRALIA	LUXEMBURG
AUSTRIA	MALI
BELGIUM	MOLDOVA
BOLIVIA (OBSERVER)	MONGOLIA
BOSNIA HERZEGOVINA	MONTENEGRO
BRAZIL	MOROCCO
BULGARIA	MOZAMBIQUE
CANADA	(THE) NETHERLANDS
CHILE	NEW ZEALAND (OBSERVER)
COLOMBIA (PROXY TO BRAZIL)	NORWAY
COSTA RICA	PANAMA
CROATIA	PERU
CZECH REPUBLIC (PROXY TO AUSTRIA)	PORTUGAL
DEMOCRATIC REPUBLIC OF CONGO	PUERTO RICO
DENMARK	REPUBLIC OF CHINA - TAIWAN
DOMINICAN REPUBLIC	ROMANIA (PROXY TO MOLDOVA)
EAST TIMOR	SENEGAL
ESTONIA	SERBIA
FINLAND	SLOVAKIA (PROXY TO HUNGARY)

FRANCE	SLOVENIA
GERMANY	SOUTH AFRICA
GREECE	SPAIN
GUATEMALA (OBSERVER)	SWEDEN
GUINEA BISSAU	SWITZERLAND
HUNGARY	TOGO
IRELAND	TUNISIA
ISRAEL	UKRAINE
ITALY	UNITED KINGDOM
IVORY COAST	URUGUAY
KAZAKHSTAN	USA
LATVIA	YEMEN (OBSERVER)

President Régnard opened the meeting of the Central Council at 14.45, by welcoming all present.

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

The Secretary-General carried out a check on votes and proxies: 63 members were present (in attendance or by proxy). The proxies were the following:

- from the association of Armenia to the Association of Georgia;
- from the association of Colombia to the Association of Brazil;
- from the association of Czech Republic to the association of Austria;
- from the association of Romania to the Association of Moldova;
- from the association of Slovakia to the association of Hungary.

### **2. Appointment of delegates to count the votes;**

The President asked the assembly if there were three or more delegates who agreed to assume the responsibility of counting the votes. Mr. Walter Barone (Brazil), Mr. Robert Blair (Canada) and Mr. Francisco Silla (Spain) were unanimously given the responsibility of counting the votes.

### **3. Appointment of auditors to examine the accounts and the financial report and to report;**

The Assembly unanimously appointed Mr. Walter Barone (Brazil), Ms. Kristina Eidsvik (Canada) and Mrs. Cristina Marzagalli (Italy) as auditors responsible for scrutinising the annual accounts and financial report and for reporting on it to the Central Council.

### **4. Candidatures for President, six Vice-Presidents, Secretary-General and Deputy Secretaries-General;**

Secretary-General Oberto informed the Assembly that, so far, the General Secretariat had received the following candidatures (in writing):

- for the post of IAJ President by Mr. Tony Pagone (Australia);
- for the post of First Vice President by Mr. José Manuel Igreja Matos (Portugal)
- for the posts of Vice-President by Mr. Djamel Aidouni (Algeria), Mr. Rafael De Menezes (Brazil), Mrs. Allyson Duncan (USA), Mr. José Manuel Igreja Matos (Portugal), Mr. Đuro Sessa (Croatia), Mr. Mikael Sjoberg (Denmark).

Mr. Oberto added that the IAJ President submitted in writing the candidatures of the members of the General Secretariat: Mr. Giacomo Oberto for the post of Secretary-General, Mr. Raffaele Gargiulo, Mr. Galileo D'Agostino and Mr. Lucio Aschettino for the posts of Deputy Secretaries-General.

### **5. Approval of the minutes of the meeting held in Santiago de Chile;**

President Régnard recalled that the National Associations received the minutes of the CC

meeting in Santiago and that they made no remarks. The Assembly submitted no objections; therefore the President stated the minutes of the meeting held in Santiago de Chile as unanimously approved.

## **6. Possible discussion on:**

### **6.1. written report of the President of the I.A.J.;**

President Régnard referred to his written report and stressed some aspects of it. He received several invitations by the IAJ Regional Groups, the Member Associations, and international institutions. He tried to participate in those events as much as his professional commitments allowed him. He recalled the relationships with the UN Special Rapporteur on the independence of judges and lawyers and encouraged National Associations to address their requests or complaints to the IAJ General Secretariat for the forwarding to Mr. Garcia Sayan. He mentioned the launch of the Judicial Integrity Network in Vienna and the appointment of Mr. Sessa and Mr. Igreja Matos as members of the Advisory Board. Finally, he underlined the constant support received by the General Secretariat whose Members work during their spare time.

### **6.2. written report of the Secretary-General;**

Secretary-General Oberto referred to his written report, which was published, together with the other documents for the meeting, in the restricted area of the IAJ website, and added that he would take the floor if necessary under the different points of agenda. Mr. Oberto then focused on the website, explaining its structure and contents. Ms. Kaptein (the Netherlands) took the floor to ask information about the contacts with Indian judges and to offer her help, having planned a journey to that country. Mr. Oberto said that, on the occasion of the meeting of the Commonwealth Judges Association in Brisbane, he met a Supreme Court judge from India. He told Mr. Oberto that in the country there are associations of lower magistrates but no associations of judges and explained him that the setting up of an association of judges could be perceived as “offensive” for the Chief Justice. Mr. Oberto added that in his opinion the problem described by the Indian colleague could be solved by establishing a representative group instead of an association.

President Régnard underlined the continuing efforts to establish national associations in countries where there are not and mentioned the recent example of New Zealand.

### **6.3. written reports of the Vice-Presidents responsible of the Regional Groups and their reports on the Regional Groups meetings in Marrakesh;**

The President of the African Group, Mr. Musi, referred to his written report and stressed in particular the conference held in Algiers on judicial ethics. The Group tried also to resuscitate the membership of the Association of Cameroun and is confident that in the future the local judges will be able to join again the IAJ. He then informed the Assembly that the Group chose Mr. Djamel Aidouni (Algeria) as its candidate for the chair of the Group and decided to hold its springtime meeting in Guinea Conakry. Finally, he recalled that this was his last term as Vice President of the IAJ and thanked all colleagues for their work and support.

President Régnard added that he and Mr. Musi were elected the same year, the 2010, in the Presidency Committee and stressed the excellent job done by Mr. Musi as President of the African Group.

The President of the EAJ, Mr. Igreja Matos, recalled the meeting of the Group in Berlin, which was a great success due to participation of 40 Associations out of 44 members of the EAJ. He stressed the importance of the cooperation with international organisations and with the UNODC in particular. He mentioned the great concerns of the Group about the situation of the judiciaries in Poland, Hungary and Bulgaria. He added that the EAJ was trying to enhance cooperation with the Venice Commission, the Council of Europe and the European Union to bring more awareness to the problems of Poland. Mr. Igreja Matos finally added that the EAJ will hold its springtime meeting in Copenhagen on 9 and 10 May 2019.

The President of the IBA Group, Mr. Rafael De Menezes, referred to his written report. He could not display a photo album to illustrate his speech due to technical problems and his report was postponed to the following day.

The President of the Anao Group, Mr. Tony Pagone, referred to his written report and highlighted two items. The Group welcomed the Association of East Timor as its new member and the Association of Yemen, which submitted an application for membership, as observer. The Group made attempts for year to increase the number of its members and is glad of the interest of the newly formed Association of New Zealand. Mr. Pagone added some information on his contacts with Indian judges and mentioned the Working Group established, under the chair of Mr. Tsgot (Mongolia), to help judges establishing associations in their countries. Unfortunately, the Group lost contacts with the Association of Iraq. Mr. Pagone added that the Group would deal with judicial security in its spring session and was very active in the launch of the UN Judicial Integrity Network with the participation of three representatives, among which Justice Atkinson. Finally, he informed the Assembly that the Group chose Ms. Allyson Duncan (USA) as its candidate for the chair of the Group and elected Ms. July Dutil and Ms. Grace Yin-Lun Lin as Vice Presidents of the ANAO Group.

President Régnaud informed the Assembly about the proposal to amend the IAJ Constitution in order to add a new official language: the requirements of form and time were not respected and this prevented the insertion of the topic in the agenda of the Central Council. Nevertheless, the Presidency Committee established a Working Group to evaluate the consequences of the insertion of a further official language in the Constitution, also as regard the updating of the website. The Presidency Committee appointed as Chairman of the WG the Deputy Secretary-General Mr. Galileo D'Agostino and decided that the Regional Groups would appoint a member each, representing the official languages of the IAJ and the potential new ones. The WG will report on its conclusions in the meeting of 2019.

#### **7. Information on the situation in Turkey;**

President Régnaud postponed the discussion of this topic to the next session.

#### **8. Proposal for a resolution of the Central Council (on the basis of the resolutions already adopted by the Regional Groups), to update the 1985 UN Basic Principles on the Independence of the Judiciary;**

President Régnaud recalled that the Regional Groups adopted identical resolutions asking for an update of the Basic Principles and postponed the discussion of the topic to the session of Thursday, after the International Conference.

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

Secretary-General Oberto mentioned the situation of the Association of Lesotho, which was not paying its contributions since 2015. This means a delay of more than 3 years and the consequent automatic expulsion from the IAJ unless the Central Council decides in a contrary way.

Vice-President Musi told the Assembly that two delegations travelled to Lesotho to meet the Board of the Association and in both occasions the Board explained that the Association could not pay its fees. The truth was, on the contrary, that there were attempts to impeach the Chief Justice of Lesotho to the extent that the Association had been intimidated and was no more willing to belong to the IAJ.

President Régnaud said that the IAJ was conscious of the difficulties faced by some Associations for the payment of their annual fees but the rule concerning the contributions must be respected. He then asked the Assembly whether there was any contrary vote on the expulsion of the Association of Lesotho and, having ascertained that there was not, declared ceased the membership of the Association.

Ms. Benbelhassen (Tunisia) took the floor to ask information about the Egyptian Association. Mr. Oberto answered that it paid regularly its membership fees and Mr. Musi added that, even though the Association did not send its delegates to the IAJ meetings, it expressed its interest in continuing to be a member of the IAJ. President Régnard noted that there were several cases of associations that paid their annual contributions, sent their reports to the Study Commissions but did not participate with their delegations to the works of the IAJ.

## 7. Information on the situation in Turkey

Vice President Igreja Matos informed the Assembly about the publication of a book concerning the situation of the judiciary in Turkey. The book is entitled “Democracy Falling Apart. Role and Function of Judicial Independence, Separation of Powers and the Rule of Law in a Constitutional Democracy – The Turkish Judiciary in 2018”. The book was edited by Mr. Stadelmann and includes contributions by Mr. Oberto, Mr. Gass, Mr. Edwards, Mr. Régnard, Mr. Schneirderhan, Ms. Kaptein and Mr. Igreja Matos. The Turkish authors wrote under pseudonym for security reasons, what demonstrates the scale of freedom of expression in that country. The book was printed with the support of an association grouping European law publishers that accepted to sell the book at a reduced price because the aim of the publication was not profit but raising awareness about the situation in Turkey. Mr. Igreja Matos informed the Assembly about the process to Mr. Mehmet Tank, former member of the Board of the 1<sup>st</sup> Study Commission. The EAJ decided to monitor his trial and its observer reported that during the hearing there was a procedural incident. The Court should have decided it in few minutes and there were still witnesses to be heard, but the Court instead sentenced Mr. Tank to 8 years of prison. The Platform -established by the EAJ with MEDEL, Judges for Judges and the Association of Administrative Judges- decided to become “amicus curiae” for the trials in front of the European Court of Human Rights. Mr. Igreja Matos concluded recalling the duty to help colleagues in difficulty and encouraging member associations to contribute to the Provident Fund, to buy the book and to bring awareness on the situation in Turkey in their respective countries.

President Régnard closed the session at 16.00.

## Session of 16 October 2018

Present:

- the President, Mr. Christophe Régnard;
- the First Vice-President, Mr. Tony Pagone;
- the Vice-Presidents Mr. Rafael De Menezes, Mr. José Manuel Igreja Matos, Mr. Cagney Musi, Mr. Đuro Sessa and Mr. Mikael Sjöberg;
- the Honorary Presidents Mrs. Cristina Crespo, Mr. Sidnei Beneti, Mr. José Maria Bento Company, Mrs. Maja Tratnik, Mr. Gerhard Reissner and Mr. Günter Woratsch;
- the Secretary-General, Mr. Giacomo Oberto;
- the Deputy Secretaries-General, Mr. Lucio Aschettino, Mr. Galileo D’Agostino and Mr. Raffaele Gargiulo;
- the IAJ representative at the UN seats in New York, Mrs. Louise Mailhot;
- the delegates of the following national associations:

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ARMENIA (PROXY TO GEORGIA)	LUXEMBURG
AUSTRALIA	MALI
AUSTRIA	MAURITANIA

AZERBAIJAN	MOLDOVA
BELGIUM	MONGOLIA
BOLIVIA (OBSERVER)	MONTENEGRO
BRAZIL	MOROCCO
BULGARIA	MOZAMBIQUE
CANADA	(THE) NETHERLANDS
CHILE	NEW ZEALAND (OBSERVER)
COLOMBIA (PROXY TO BRAZIL)	NIGER
COSTA RICA	NORWAY
CROATIA	PANAMA
CZECH REPUBLIC (PROXY TO AUSTRIA)	PARAGUAY
DEMOCRATIC REPUBLIC OF CONGO	PERU
DENMARK	PORTUGAL
DOMINICAN REPUBLIC	PUERTO RICO
EAST TIMOR	REPUBLIC OF CHINA - TAIWAN
ESTONIA	ROMANIA (PROXY TO MOLDOVA)
FINLAND	SENEGAL
FRANCE	SERBIA
GEORGIA	SLOVAKIA (PROXY TO HUNGARY)
GERMANY	SLOVENIA
GREECE	SOUTH AFRICA
GUATEMALA (OBSERVER)	SPAIN
GUINEA BISSAU	SWEDEN
HUNGARY	SWITZERLAND
ICELAND	TOGO
IRELAND	TUNISIA
ISRAEL	UKRAINE
ITALY	UNITED KINGDOM
IVORY COAST	URUGUAY
KAZAKHSTAN	USA
LATVIA	YEMEN (OBSERVER)

President Régnard opened the meeting of the Central Council at 9.30.

### **6.3. reports of Vice-Presidents responsible of Regional Groups and their reports on the Regional Groups meetings in Marrakesh (follow-up)**

Vice President De Menezes reported on the activities of the Ibero American Group, showing pictures of the various events.

### **10. Applications for membership: Angola, Bolivia, Ecuador, Guatemala;**

President Régnard invited the delegates of Angola to quit the hall and then gave the floor to the rapporteurs, Mr. Carlos Pedro Mondlane and Mr. Walter Barone, who summarized the content of their report, concluding with the recommendation to admit the association.

President Régnard opened the vote: there were no abstentions nor contrary votes and the Central Council unanimously admitted the Association of Judges of Angola as an IAJ member.

The delegation of Angola joined again the meeting and delivered a speech, thanking the Central Council. Ms. Flavia Viana took the floor on behalf of the Association of Portuguese Speaking Judges and congratulated the Association for its admission in the IAJ.

President Régnard then invited the delegate of Bolivia to quit the hall and then gave the floor to the rapporteur, Mr. Oswaldo Alberto Ordóñez Alcántara, who summarized the content of the report, concluding with the recommendation to admit the association.

President Régnard opened the vote: there were no abstentions nor contrary votes and the Central Council unanimously admitted the Association of Judges of Bolivia as an IAJ member.

The delegate of Bolivia joined again the meeting and delivered a speech, thanking the Central Council.

President Régnard then announced that the delegates of Ecuador were not present and then gave the floor to the rapporteurs, Mr. Alejandro Vera and Mr. Francisco Silla, who summarized the content of their report, concluding with the recommendation to admit the association.

President Régnard opened the vote: there were no abstentions nor contrary votes and the Central Council unanimously admitted the Association of Judges of Ecuador as an IAJ member.

The video of the President of the Association could not be displayed for technical reasons and the vision was postponed to the following session.

President Régnard then invited the delegate of Guatemala to quit the hall and then gave the floor to the rapporteurs, Ms. Adriana Orocu Chebarria and Mr. Roland Kempfle, who summarized the content of their report, concluding with the recommendation to admit the association. Vice President De Menezes took the floor to thank the Norwegian Association for the support it gave to the Guatemalan Association, also in financial terms, and invited all Associations to act in similar way towards the smallest and poorest among them. President Régnard added that the Presidency Committee debated the issue of representativeness of the Association in connection to art. 4 of the Constitution and considered that the Association, even if very small, shared the values of the IAJ and deserved the membership.

President Régnard then opened the vote: there were no abstentions nor contrary votes and the Central Council unanimously admitted the Association of Judges of Guatemala as an IAJ member.

The delegate of Guatemala joined again the meeting and delivered a speech, thanking the Central Council.

## **12. Budget of the International Association of Judges;**

President Régnard warmly thanked the Italian *Associazione Nazionale Magistrati* for its constant and fundamental financial contribution for the functioning of the General Secretariat.

He then mentioned the important role played by Mr. Fausto Zuccarelli, for 20 years delegate of the Italian Association, who had the idea, in a moment of crisis for the IAJ, of a special support by his Association. Mr. Zuccarelli, now retired, was not attending the meeting and President Régnard asked the Italian delegation to deliver him the message of gratitude of the IAJ. The Assembly applauded.

The assistant to the IAJ Treasurer, Ms. Barbara Scolart, took the floor to illustrate the Central Council the financial report, the balance sheet and the budget for next year. She underlined that there were no excesses of items at the date of the meeting.

President Régnard thanked the Treasurer and the Assistants to the General Secretariat for the accurate keeping of the accounts.

The Central Council made no remarks on the report and, upon proposal of the IAJ President, unanimously approved it as well as the draft budget for the year 2018-2019 (enclosed to these minutes).

## **13. Report by the auditors;**

Mr. Barone, Ms. Eidsvik and Mrs. Marzagalli took the floor and congratulated the General Secretariat for the accuracy in the documentation. They reviewed 276 documents and found that all expenses were justified by receipts and also the incomes. According to art. 5 of the regulations the auditors recommended the approval of the accounts. The Assembly unanimously approved

the financial report and the closed budget for the year 2017-2018 and discharged the General Secretariat of any responsibility in this respect. President Régnard thanked the auditors.

#### **14. Election of the President, First Vice-President and other Vice-Presidents, Secretary-General and Deputy Secretaries-General;**

President Régnard delivered a speech for his leave. He started in 2006 as delegate of the French Association and in the following years worked within the 1st Study Commission, chaired the Working Groups on the amendment of the IAJ Constitution and on the updating of the Universal Charter of the Judge, was rapporteur on the application of the Algerian Association.

President Régnard recalled the other colleagues leaving the Presidency Committee: Mr. Musi, who did a remarkable job as President of the African Group for 8 years, and Ms. Crespo, who was very engaged as President of the Ibero-American Group and of the IAJ. President Régnard mentioned the admission of 27 Associations since 2006 and stressed that the welcoming ceremonies were among his dearest and touching souvenir. Among the saddest moments, he recalled the arrest of the Mr. Murat Arslan and underlined that the IAJ is a fundamental stronghold for the fostering of judicial independence.

Ms. Marzagalli (Italy) took the floor to thank Mr. Régnard for his strong commitment as President of the EAJ and then of the IAJ.

Secretary-General Oberto took the floor to celebrate the work done by Mr. Régnard as thirtieth President of the IAJ and, before, as President of EAJ and delegate of the French Association. He fought and won several battles for the independence of the judiciary, from the abolition of the extraordinary membership, to the engagement for Turkish colleagues arrested and the delivery of the Vaclav Havel Prize to Mr. Arslan.

President Régnard then announced that there was only one candidature for the post of IAJ President, that of First Vice President Mr. Tony Pagone. The delegates of Canada, Brazil, Australia, Puerto Rico took the floor to endorse it. President Régnard called for an open vote and Mr. Pagone was elected President by acclamation. Mr. Pagone took the floor to thank the Assembly. He underlined the vulnerability of judicial independence and therefore the need to foster judicial impartiality and the rule of law, for which the role played by the IAJ is vital. He thanked the General Secretariat that works with few resources but great dedication and recalled the commitment of the former ANAO members of the Presidency Committee, Ms. Louise Mailhot and Mr. Robert Blair.

Mr. Pagone took on the chair of the session and called for an open vote on the candidatures for the posts of Secretary-General and Deputy Secretaries-General. Mr. Oberto was re-elected by acclamation Secretary-General of the IAJ. Mr. D'Agostino, Mr. Gargiulo and Mr. Aschettino were unanimously re-elected Deputy Secretaries-General. Mr. Oberto thanked the Assembly for the confidence shown in him and the team of the Secretariat.

President Pagone then informed the Assembly that there were only six candidatures for the six posts of IAJ Vice President and called for an open vote. The Assembly unanimously elected Mr. Djamel Aidouni (Algeria), Mr. Rafael De Menezes (Brazil), Ms. Allyson Duncan (USA), Mr. José Igreja Matos (Portugal), Mr. Đuro Sessa (Croatia) and Mr. Mikael Sjöberg (Denmark) as Vice Presidents of the IAJ.

President Pagone asked whether there were candidatures for the post of First Vice-President. Honorary President Reissner and the delegates of Australia, Brazil, Algeria, Peru, Mozambique, Chili, Dominican Republic, France and Spain endorsed the election of Vice President Igreja Matos. President Pagone took note that there were no other candidates and called for an open vote. Mr. Igreja Matos was elected by acclamation First Vice-President of the IAJ.

President Pagone asked the assembly to designate the former President, Mr. Christophe Régnard, as Honorary President of the IAJ. The assembly approved by acclamation.

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the President  
Christophe Régnard

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the Secretary General  
Giacomo Oberto

**11. Priorities for the work of the Presidency Committee and I.A.J. for the triennium 2018-2020;**

Vice President Igreja Matos took the floor to inform the Assembly about the activities concerning corruption. He stressed the importance to cooperate with UNODC on its five projects on social media, judicial ethics training tool, review of the Bangalore Principles, investigation on judicial misconduct and selection and appointment of judges. He recalled the various conferences held in Latin America on the theme of corruption.

Vice President De Menezes stressed that there cannot be independent judiciary without judicial education and encouraged the participation of the IAJ members in the works of the Study Commissions. He also informed the Assembly about the scheduled meeting, in the late afternoon, of the WG on judicial education that will propose to the Presidency Committee ideas and projects for conferences and for the fostering of the works of the Study Commissions.

Vice President Sjoberg told the Assembly that the WG on the establishment of associations of judges recently started its activities and was eager to learn important lessons also from the creation of the Association of New Zealand, recently established.

President Pagone closed the session at 13.00.

**Session of 18 October 2018**

Present:

- the President, Mr. Tony Pagone;
- the First Vice-President, Mr. José Manuel Igreja Matos;
- the Vice-Presidents Mr. Djamel Aidouni, Mr. Rafael De Menezes, Ms. Allyson Duncan, Mr. Duro Sessa and Mr. Mikael Sjoberg;
- the Honorary Presidents Mr. José Maria Bento Company, Mr. Christophe Régnard, Mr. Gerhard Reissner and Mr. Günter Woratsch;
- the Secretary-General, Mr. Giacomo Oberto;
- the Deputy Secretary-General, Mr. Raffaele Gargiulo;
- the IAJ representative at the UN seats in New York, Mrs. Louise Mailhot;
- the delegates of the following national associations:

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FINLAND	SENEGAL
FRANCE	SLOVAKIA (PROXY TO HUNGARY)
GEORGIA	SLOVENIA (PROXY TO CROATIA)
GERMANY	SOUTH AFRICA
GREECE	SPAIN
GUATEMALA	SWEDEN
GUINEA BISSAU	SWITZERLAND
HUNGARY	TUNISIA
ICELAND	UKRAINE
IRELAND (PROXY TO UK)	UNITED KINGDOM
ISRAEL	URUGUAY
ITALY	USA
KAZAKHSTAN	YEMEN (OBSERVER)
LATVIA	

President Pagone opened the meeting of the Central Council at 9.45.

**8. Proposal for a resolution of the Central Council (on the basis of the resolutions already adopted by the Regional Groups), to update the 1985 UN Basic Principles on the Independence of the Judiciary;**

President Pagone summarized the precedents of this topic and recalled the work done within the Regional Groups. He then opened the vote: there were no abstentions nor contrary votes and the Central Council unanimously approved the resolution.

**15. Vote on the proposed amendment of Constitution and Regulations;**

President Pagone recalled the precedents of the proposed amendments: in 2012, the Constitution was amended to permit a monitoring procedure every 5 years. The first round was finished and the next monitoring would start in 2020. The Presidency Committee discussed the possibility to cancel the procedure and the feasibility of admitting as IAJ members associations of associations. Mr. Larssen (Norway) took the floor and underlined that, even though the monitoring had lack of responses, the possibility to abolish it should be better discussed within the Regional Groups. He added that it sound a bit awkward that National Associations applying for membership are scrutinized while international associations could join the IAJ under different criteria, regardless the fact that they would not be granted voting right. The Norwegian Association, therefore, proposed to postpone the vote to next year and to discuss the issue within Regional Groups.

Ms. Matejka (Austria) endorsed the Norwegian proposal stressing that before 2020 there was still enough time to consider possible changes in the procedure.

Mr. Barone (Brazil) asked to consider with greater attention the possible admission of associations different from associations of judges since there could be the risk of a conflict of interest.

Mr. Kone (Mali) proposed to discuss the issue within the Regional Groups and Ms. Benbelhassen (Tunisia) underlined that the Regional Groups had not the time to discuss the issue in their meetings in Marrakech.

The delegates of Chile, Poland, Senegal, Netherlands and Denmark endorsed the Norwegian proposal to postpone the debate and to discuss its grounds and consequences within the Regional Groups first.

The Central Council unanimously approved the proposal to postpone the examination of the draft amendments to the Constitution.

## **16. I.A.J. and others:**

### **16.1. I.A.J. and Hague Conference;**

President Pagone gave the floor to the IAJ representative at the Hague Conference, Mr. Van Osch, who informed the Assembly about the ongoing talks for a treaty on the execution of foreign sentences. He suggested an active role for the IAJ, with the involvement also of the 2<sup>nd</sup> Study Commission. President Pagone told the Assembly that the Presidency Committee fully entrusted Mr. Van Osch to take the floor during the works of the Conference and to give his contribution. In cases when he should feel that the proposed theme for the Conference is contentious, he will address a letter to the Presidency Committee, via the General Secretariat, to have guidance. Upon request of Mr. Van Osch, President Pagone specified that it was a matter of discretion of Mr. Van Osch to ask the support of any body of the IAJ, including the Board of the 2<sup>nd</sup> Study Commission.

### **16.2. Possible discussion on written reports by I.A.J.'s Representatives at the U.N.O.;**

President Pagone gave the floor to Honorary President Reissner, who informed the Assembly about various initiatives of UNODC and encouraged the Regional Groups and member associations to get involved.

President Pagone stressed that the involvement between IAJ and UN and UNODC was becoming quite important and thanked Mr. Reissner for his constant participation and support.

### **16.3. Possible discussion on written report by the Executive-President of the Foundation "Justice in the World";**

Honorary President Woratsch took the floor and announced that the Foundation was unable to get financial support. According to its Statutes, the IAJ President is also President of the Foundation, therefore responsible for its debts. The last meeting of the Board took place two years ago and there was not money available for the reimbursement of travel expenses. After then, Mr. Woratsch did not receive any other news.

President Pagone announced the Assembly a renewed effort of the Presidency Committee to solve the problem of the Foundation.

President Pagone authorized the projection of the video sent by the President of the Association of Ecuador to thank the Assembly for the admission in the IAJ.

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

President Pagone called on the Presidents of the four Study Commissions to report on the conclusions of the Commissions on their respective subjects:

- 1<sup>st</sup> Study Commission - Ms. Roslyn Atkinson: "The trend of public criticism towards judges and judicial decisions in a disrespectful manner by other state powers, the media and in social media";
- 2<sup>nd</sup> Study Commission - Mr. Thomas Cyr: "Strategies for effective case management";
- 3<sup>rd</sup> Study Commission - Mr. Chuck Simpson: "A. Treatment of witnesses, including children, protected witnesses and sexually abused victims. B. Trial Procedures. C. Mandatory sentences";
- 4<sup>th</sup> Study Commission - Mr. Philippe Bron: "Rights and obligations of refugees: a risk of modern slavery?"

The Presidents also proposed the subjects to be dealt with by the Study Commissions in 2019:

- 1<sup>st</sup> Study Commission: "Social media and the judiciary: 1) how best to respond to unfair comments about judges made on social media; 2) use of social media by judges and courts: opportunity or danger";
- 2<sup>nd</sup> Study Commission: "Problems, large and small, in the financing of litigation";

- 3<sup>rd</sup> Study Commission: “The Media in Criminal Cases: Protecting the Integrity of the Proceedings and Communications with the Media”;
- 4<sup>th</sup> Study Commission: “Harassment, in a broad sense—moral and sexual— and its consequences on labour relations”.

The Presidents announced the composition of the Boards for the next two-years term:

- 1<sup>st</sup> Study Commission: President: Mr. Walter Barone (Brazil); Vice-Presidents: Mrs Marilyn Huff (USA), Mr. Roland Kempfle (Germany), Mr. Mohamed Khadraoui (Morocco); Secretary: Mr. Michael Tamir (Israel);
- 2<sup>nd</sup> Study Commission: President: Mr. Thomas Cyr (Canada); Vice-Presidents: Mr. John Edwards (Ireland), Mrs. Mette Soegaard Vammen (Denmark), Mrs. Flávia da Costa Viana (Brazil);
- 3<sup>rd</sup> Study Commission: Co-Presidents: Mrs. Lene Sigvardt (Denmark) and Mr. Dieter Freiburghaus (Switzerland); Vice-President: Mrs. Sally Cahill (UK);
- 4<sup>th</sup> Study Commission: President: Mrs. Julie Dutil (Canada); Vice-Presidents: Mrs. Margaret McKeown (USA) and Mr. John Wilson (Australia).

The Central Council approved the conclusions as well as the proposed topics for 2019.

President Pagone thanked Ms. Atkinson, Mr. Bron and Mr. Simpson for their service as Chairpersons of the Study Commissions.

### **18. Meetings of the IAJ in the next years;**

Mr. Balken (Kazakhstan) took the floor to propose his country as venue for the 2019 IAJ meeting. The Assembly unanimously approved the candidature.

### **19. Miscellanea.**

President Pagone introduced a resolution concerning the pension system in Puerto Rico and the issue of the difference between judges and other public servants. Unfortunately, the delegates of Puerto Rico were already travelling back to their country but they gave a proxy To the Chilean Association to vote in their name and to explain their position to the Assembly.

After a debate and a linguistic revision, the Assembly approved the resolution, with the abstention of the associations of Netherlands, Norway, Switzerland, Taiwan, UK and USA.

President Pagone thanked Mr. Régnard for his extraordinary work as IAJ President and in particular for the courage shown in the event of the Turkish crisis. He greeted Ms. Crespo and Mr. Musi, and thanked Mr. Oberto and the General Secretariat for their daily monumental work. Finally, he thanked the Moroccan Association for its warmth and generosity.

The President of the Moroccan Association greeted all participants.

President Pagone closed the meeting at 12.15.

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the President  
Tony Pagone

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the Secretary General  
Giacomo Oberto