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MEETING OF THE EUROPEAN ASSOCIATION OF JUDGES  
BY VIDEO LINK  
Friday 3 December 2021 (03.00 pm CET-5.00 pm CET)

## MINUTES

The meeting started at 3.00 p.m.

In attendance by video link were:

- the EAJ President, Mr. Đuro Sessa;
- the Vice-Presidents, Ms. Sabine Matejka and Mr. Mikael Sjöberg;
- the IAJ Honorary Presidents, Mr. Gerhard Reissner and Ms. Maja Tratnik;
- the Deputy Secretary-General, Mr. Raffaele Gargiulo;
- the delegates of the following associations, which are members of the International Association of Judges and the European Association of Judges:

Armenia	Lithuania
Austria	Luxembourg
Azerbaijan	Malta
Belgium (proxy to France)	Netherlands
Bulgaria	North Macedonia
Croatia	Norway
Cyprus	Poland
Czechia	Portugal
Denmark	Romania
Estonia	Serbia
France	Slovakia
Germany	Slovenia
Greece	Spain
Hungary	Sweden
Ireland	Switzerland
Israel	Turkey
Italy	United Kingdom
Liechtenstein	

The Deputy Secretary-General, Mr. Gargiulo, announced that the quorum was reached, being present representatives of 35 associations out of a total number of 44.

### 1. Approval of the minutes of the Rome meeting;

The Assembly approved unanimously the minutes of its meeting held via zoom on September 11, 2021.

### 2. Report of the President;

President Sessa noted that his report had already been distributed in advance to the meeting and he added two pieces of information not included in there: on urgent request of the Greek Association, he sent a letter to the Minister of Justice concerning the new system of evaluation of judges, without involving the Working Group on the situation of member association because of time constraints. On 29 November he was invited by the Supreme Court of Ukraine to deliver a speech on the High Councils for the Judiciary and the approach of the CCJE. Having received no remarks, he stated the report as approved.

### **3. Situation of judiciary in Member Countries;**

#### **3.1. Poland – report by “IUSTITIA” representative Bogdan Jedrys;**

President Sessa announced that he had received requests to take the floor from the representatives of the associations of Poland, Lithuania and Greece.

He therefore gave the floor to Mr. Bogdan Jedrys, from Poland. Mr. Jedrys informed the Assembly about the situation of the judiciary in his country (see the presentation enclosed to these minutes)

Honorary President Reissner highlighted the threats behind the project of restructuring the judicial organization in Poland, mentioned in the last part of the presentation and he asked Mr. Jedrys what the Polish Association intended to do in this respect. Mr. Jedrys replies that Iustitia was trying to mobilize civil society and in particular eminent lawyers and law faculties, in order to show citizens how much the reform would affect their rights. Ms. Dorota Zabłudowska took the floor and added that the envisaged reform was expected to take place without a transitional regime and this would cause a chaos but at the same time it was only announced and no official draft of any bill was available yet. The Association drafted a very detailed project of law to reintroduce the rule of law in Poland and it obtained some attention in civil society and among the opposition parties.

President Sessa asked whether Iustitia requested a formal intervention by the EAJ, e.g. in the form of a letter addressed to the European Commission and to relevant Polish authorities. Ms. Zabłudowska replied that until there was an official draft law presented, an intervention would be premature and undertook to immediately inform the Board of the EAJ of any news in this respect.

Honorary President Tratnik recalled that a similar situation happened about ten years ago in Serbia, starting with the reorganization of tribunal and courts while hidden behind there was the removal of judges from their posts, which gave rise to a considerable number of cases in front of the Court of Strasbourg. The EAJ should support the actions of Iustitia and not act before it.

President Sessa then gave the floor to Mr. Gedimina Sagatys, newly elected Chairman of the Association of Lithuania, who informed the Assembly about two recent events involving the judiciary in his country (see the presentation attached to these minutes). The first is the criminal proceeding initiated by Russian authorities against Lithuanian judges and prosecutors who were involved in the case against Soviet officials pursued for war crimes following the declaration of independence of Lithuania. The second issue was the freezing of the salaries of judges since 2009 in contrast with what happened to the salaries of other public servants. Mr. Sagatys did not ask for an intervention of the EAJ, for the time being.

President Sessa then gave the floor to Mr. George Kasimis, from Greece, who illustrated more in detail the context in which arose the necessity of a letter by President Sessa to the Minister of Justice. A recent draft law foresees that the judges of first and second instance must pass examinations after attending mandatory training sessions with the consequence that their ability to interpret the law, and therefore their progress in career, will depend on the opinion of a teacher after a brief theoretical course and this affects the dignity of the function.

President Sessa then introduced the new member of the EAJ Board, Ms. Sabine Matejka, who informed the Assembly about the initiatives taken by some member associations to help Afghan judges, in particular women.

The majority of women judges already fled the country with the help of the International Association of Women Judges and only 20-30 are still in Afghanistan. President Igreja Matos is receiving requests from judges in Afghanistan and is putting them in contact with people on the ground and institutions in several countries that might help them in travelling abroad. The problem is that judges in Afghanistan must fear not only the Taliban but also the detainees (such as members of ISIS) that were set free from prisons after the fall of the democratic regime in Kabul and are now seeking revenge. The main problem is obtaining a visa to enter other countries and Ms. Matejka asked the support of those associations that have the possibility to work with their immigration authorities.

#### **4. Working Group on the Situation of the EAJ’s Member Associations. (Report of the President);**

The Chairman of the WG, Mr. Stephan Gass, took the floor and summarised his report, going from the meeting in May 2021 to present. Since June, the WG dealt mainly with requests of support from Poland, Slovakia, Montenegro and Moldova. Resolutions on Slovakia and Poland drafted by the WG were then

adopted by the EAJ Assembly during its meeting on September. The Group drafted a letter of concerns addressed to the authorities of Montenegro. The WG had an ongoing dialogue with the Moldovan association about the reaction to the possibility that a presidential decree puts an end to the terms of office of a judge.

President Sessa informed the delegates that the IAJ General Secretariat received a letter from Commissioner Reynders asking for the EAJ support in drafting the 2022 rule of law report. The deadline for sending the general report on behalf of the EAJ is January 24th, therefore President Sessa exhorted Members to send their contributions to the WG by January 1<sup>st</sup> in order to leave Mr. Gass and his Group enough time to elaborate the report on behalf of the EAJ.

The delegate of Slovakia, Mr. František Mozner, took the floor to thank the EAJ for the resolution issued in September, that reinforced the association in its talks with local authorities.

President Sessa then gave the floor to Vice-President Sjöberg, who illustrated some new initiatives. The EAJ Board discussed the impact of the pandemic on access to courts and working conditions of judges and decided to launch, if member associations are interested and willing to answer, a short questionnaire to get an overview on the situation in different countries. The Assembly approved the proposal.

Mr. Sjöberg then asked the associations that did not fill in the monitoring report yet, to send it as soon as possible.

#### **5. Working Group “Ways to Brussels” – (Report of the President);**

The President of the WG, Ms. Céline Parisot, informed the Assembly that the Group would gather in Springtime in Paris if the pandemic would allow travels. President Sessa encouraged all associations to share with the WG their contacts with European institutions dealing with issues relating to the judiciary.

#### **6. Budget of EAJ – optional – report by the Secretariat;**

President Sessa informed the Assembly that the great majority of members paid their contributions fully and that the Presidency Committee decided to annul the debt of the Turkish Association YARSAV for the years 2020 and 2021.

Ms. Scolart, on behalf of the IAJ Treasurer, illustrated the budget of the EAJ, which is enclosed to these minutes.

#### **7. Provident Fund of the European Association of Judges;**

Ms. Scolart informed the Assembly about the amount of the Fund.

Mr. John Edwards took the floor and, after recalling the events that gave birth to the Fund, gave some information on the operating account in Switzerland and on the requests of support dealt with by the Committee established to manage the Fund. Mr. Edwards asked the Assembly to renew the mandate of the Committee for another two years and to keep unchanged the criteria to support applicants. He thanked the EAJ members for the donations made to the Fund.

#### **8. Future meetings: EAJ 2022 (Portugal);**

The delegate of the Portuguese Association, Mr. Manuel Soares, informed the Assembly that the EAJ Springtime meeting was scheduled to take place in the three towns of Porto, Gaia and Guimaraes from 28 to 30 April 2022. The meeting will start in the afternoon of 28 with a conference in the premises of the Court of Appeal of Porto, whose President is the IAJ President, Mr. Igreja Matos, on the topic: “Strengthening integrity, transparency and trust in the judicial systems. How can judges do more and better?”. The EAJ meeting will take place on the whole day of 29 April, and on 30 there will be the visit of Guimaraes.

#### **9. Miscellaneous:**

President Sessa recalled that during the IAJ on-line meeting in September a new WG at world level was founded, chaired by Vice-President Duncan, to deal with the cooperation with international organizations which have goals similar to those of the IAJ. President Sessa proposed to appoint, as EAJ member in the WG, Ms. Céline Parisot. The Assembly agreed.

President Sessa then recalled the decision taken by the IAJ Central Council in 2019 to establish a working

group charged to revise the IAJ Constitution, in particular, but not only, with regard to voting rights. He proposed to appoint, as EAJ representatives in the WG, Mr. Simon Picken (UK) and Mr. Roland Kempfle (Germany). The Assembly agreed.

President Sessa closed the meeting at 5.00 p.m.

The EAJ President  
Duro Sessa

The Deputy Secretary-General  
Raffaele Gargiulo