



**AFRICAN REGIONAL GROUP
INTERNATIONAL ASSOCIATION OF JUDGES**

**Summary Report of the meeting of the
AFRICAN REGIONAL GROUP
Barcelona (Spain), 5 October 2015**

The meeting was chaired by Mr. Musi, President of the African Group, with the participation of the Deputy Secretary General of the IAJ, Mr. Gargiulo, as well as of the following delegates of the member associations of the International Association of Judges and of the African Regional Group:

Algeria	Mr. Hakima Kheraz, Boussouf Moussa
Congo	Mr. Isofa Nkanga; Shabani Watenda Junior, Kambuma Nsula Jean-Marie;
Egypt	Mr. Abdalla Fathy, Mohamed Abdou Saleh, Mohammad Elzend;
Ivory Coast	Mrs KOUASSI Affoué Marcelle ; Mrs NIAMIEN Eugénie DOUKROU; Mr. N'DRI N'Guessan Mathurin; Mrs COULIBALY Olga Sonia; Mrs TOURE Hadja Fanta; Mrs TRAORE Massafola; Mrs N'DRI Berthine
Mauritania (Observer)	Mr. Cheikh Baba Ahmed
Morocco	Mr. Mohamed Khadraouj; Mr. Abdelouhaid Elhajioui; Mr. Abdelhak Elaiassi; Mr. Omar El Hamdaoui; Mr. Abdelkarim Doutayeb; Mr. Berrak Mohamed Abdou
Mozambique	Mrs. Vitalina Papadakis, Mrs. Osvalda Joana; Mr. Hidos Cdase
Niger	Mr. Ayoub Hassane, Mr. Souley Maazore; Mrs. Fatoumata Moumouni Dady;
Sao Tomé e Príncipe (observer)	Mrs. Nadgeido Castro
Senegal	Mr. El Hadiji Abdou Aziz Seck ;
Tunisia	Mr. Hamdi Mrad; Mrs. Reroudha Karafi

1. Opening and Welcome.

Mr. Musi opened the meeting at 10:00, by thanking all the delegates in attendance as well as the observers. He thanked Mr. Max Carette, a friend of the African Group, for his presence. He presented the apologies of Mrs. Fatoumata Diakité, Honorary President of the IAJ for not participating in the meeting, because of her appointment as Judge in the Administrative Court of the International Labour Office in Geneva. Then President Musi warmly thanked the Association of judges of Spain for the perfect organisation of the meeting and for the cordial reception. He also thanked the Association of Algeria for the perfect organisation of the meeting of the African Group in Algiers, which had been very successful.

2. Approval of summary report of group's meeting held at Algiers

President Musi passed to examine the points on the agenda of the meeting. He asked whether delegates in attendance had remarks on this subject. No delegation presented observations. He asked if there were remarks on the minutes of the meeting of the Group in Algiers, which was distributed beforehand by the Secretariat. No remark was sent to the Presidency, or to the Secretariat. The minutes of the last meeting of the African Group in Algiers were approved unanimously.

President Musi dealt with the issue concerning the questionnaire relating to the Monitoring Procedure, that every five years the member associations had to fill in, in order to understand if they were still active and that dealt with the aims and the objectives of the associations. He informed that according to the report of Mr. José Igreja Matos, President of the Commission, only six of the sixteen member associations of the African Group had answered the questionnaire. In particular, Cameroon, Benin, Guinea, Ivory Coast, Lesotho, Mali, Niger, Togo, Tunisia and Egypt had not answered.

President Musi asked the Secretary-General to send the questionnaire to the chiefs of delegations, who were attending the meeting, in order to allow them to submit the answers before the end of the Congress. He explained that they had to say if and possibly how the situation in their country was changed with regard to the past. Vice-President Igreja Matos will evaluate the questionnaires of all the member associations and will draft a final report. He recalled that the deadline for the answers was the 31st of December and that Associations could not reply to questions that they considered “uncomfortable”.

3. President's report

President Musi underlined that he was going to speak about his activity after the meeting of Algiers.

On the 19th and 20th August 2015 he attended a conference in Maputo, Mozambique, which was hosted by the Mozambican Association of Judges in conjunction with the International Union of Portuguese Speaking Judges (UIJLP). The theme of the Conference was “The environment, human rights and the rule of law in Portuguese Speaking African Countries”. He was given the opportunity to address their meeting on the values and principles of the IAJ and urged those who are not members of the IAJ to seriously consider applying for membership. It was during this meeting that the issue relating to the application of Sao Tome e Principe was discussed with the effective assistance of the two other Vice-Presidents, Mr. Igreja Matos and Mr. De Menezes. The rapporteur Mr. Momblé Messey from Ivory Coast could not visit the country because of Visa requirements. In the meantime the Presidency Committee, considering that the other rapporteur Mr. Rulli had retired as a judge, appointed as second rapporteur Mr. Rafael De Menezes. Then, taking into account that Sao Tomé e Príncipe was a Portuguese speaking country, that Mr. Rafael De Menezes would visit the country in March 2016 and that the Brazilian Association could pay for his travel expenses, the Presidency Committee, upon proposal of Mr. Musi, decided that Mr. De Menezes would visit the country and write the report in conjunction with Mr. Momblé.

Mr. Musi announced that he would deal with the issue of financial assistance to the rapporteurs under another point of the agenda.

President Musi gave the floor to the IAJ President, Mrs. Cristina Crespo, thanking her for the great work she was doing for the IAJ.

Mrs. Crespo welcomed all the delegates and exhorted them to go on in usual their way of facing the problems. She invited them to evaluate the possibility to receive in their Group the Iraq Association, in case of its admission in the IAJ.

Mr. Musi informed that they could deal with the Iraq Association under point 9 of the Agenda, Miscellanea, by underlining that in their Group there were already Anglophone, Francophone, Lusophone and Arabic speaking countries and so they were sensitive to the problem.

As for the application of Mauritania, Mr. Musi informed the assembly that Mr. Abdoulaye Seck was one of the Rapporteur, who would visit the country, but there were some economical problems. He would speak of this situation under point 7 of the Agenda: "Financial assistance to rapporteurs."

As concerns Palestine, he recalled that in Algeria the African Group decided to pay the administrative fee, in order that a Rapporteur could visit the country, but there had been no further contacts with this Association. So he asked our colleagues from Algeria to contact our colleagues in Palestine, so that the process could go ahead. He pointed out that in Algeria there had been no representatives of the Association of Palestine, but only somebody from the Diplomatic Corps.

President Musi also evoked the situation of Burundi, which had presented an application for membership and the Presidency Committee had appointed Mrs. Marcelle Kouassi as rapporteur, but Burundi had not paid the administrative fee. He didn't know if the association had economical problems or was no longer interested in becoming member of the IAJ. He invited the other associations to contact the association of Burundi in order to understand the real situation.

Mrs. Kouassi informed the assembly that she had sent an e-mail to the Association of Burundi, but there was no answer.

Mr. Musi recalled that also the Association of Guinea Bissau had presented an application for membership. The Secretariat had sent to the Association the necessary documents, but it didn't reply. So he asked the colleagues from the Portuguese speaking countries to try and make contact with the colleagues of Guinea Bissau, or give him the contact details in order to write to them.

President Musi underlined that only the association of Sao Tomé e Príncipe could be admitted as member of the IAJ by the next year and for this reason it had been invited to the meeting. He welcomed the representative of this association, Mrs. Castro, who was attending the meeting.

As concerns the association of Benin, Mr. Musi recalled that it was at risk of losing its membership, because it had not paid the contributions for more than three consecutive years. The Central Council had not to take a decision about this, unless the African Group convinced it to adopt a decision in order to avoid this consequence. He had written to the association but without any result. Also Mrs. Diakité had no success in contacting them. So he invited all the delegates to contact this association as soon as possible in order to try to avoid the expulsion. Mrs. Kouassi announced that she would try to contact them.

Mr. Musi informed the assembly that the Association of Morocco had sent a letter in order to present its candidature to host the international meeting of the IAJ in 2016, but, considering that Mexico had already presented the candidature for this year, the Moroccan candidature would be intended for 2017. So he invited the African Group to support this candidature in the Central Council.

President Musi then invited the delegates to be more involved in the works of the Study Commission, that represented a very important aspect of the activity of the IAJ, and to present their candidatures as President or Vice-President of the Study Commission.

To complete his report, Mr. Musi thanked the Presidency Committee and the General Secretariat for the work done in the IAJ.

Mr. Mr. Abdelouhaid Elhajioui, rapporteur for the application for membership of the Association of Palestine, said to have sent the questionnaire to the colleagues of Palestine, but he hasn't received the answers to it, yet. His hope to meet some colleagues during the current meeting had not success, but he would continue to send e-mails to them in order to receive the answers.

The representative of Mauritania welcomed all the delegates. He said that his association had paid the administrative fee and had answered the questionnaire, but there were some economical problems concerning the expenses for the visit of the rapporteur. He asked the African Group to deal with the financial assistance to rapporteur in order to accelerate the procedure of admission.

President Musi informed that they would deal with this problem at the point number 7 on the Agenda, considering also the fact the Rapporteur, Mr. Seck was attending the meeting.

President Musi, on request of a delegate of the Association of Niger, explained the structure of the IAJ, the system of the elections and the activities of their body

4.African Group member association's reports.

President Musi invited all the delegates to report about the situation of their countries by concentrating on the events and activities occurred after the meeting of Algiers.

ALGERIA

A delegate of the Association of Algeria said that after the meeting of Algiers there were no remarkable activities of the Association, considering also the period of the judicial holiday. There was the distribution of roles and responsibilities among the members of the new steering committee.

CONGO

The President of the Association said that there were no special situations to signal. He emphasized that after the strike called by young judges in autumn 2014, the situation had improved. The judges of Congo had concrete hopes in order to increase the independence of the judiciary. The Association was preparing next meeting of the African Group, waiting for the directives of the Secretary-General.

EGYPT

The President of the Association of Egypt posed the question of the adoption of the Arabic language as one of the official language of the meeting of the IAJ. As concerns the issue of terrorism, he underlined that Egyptian judges were able and courageous to fight this phenomenon with independence and impartiality, but there were some NGO which reproached the judges for their partiality and dependence from the Executive power. So he asked the IAJ to intervene with these NGO in order to moderate their criticism against judges. He added that his Association was ready to organize the meeting of the African Group in 2017 and the IAJ meeting in 2018.

President Musi pointed out that, in order to present a resolution to the Central Council, the Egypt Association needed to prepare a written text, also in French, possibly with the help of the Associations of Morocco and Algeria, that has to be approved by the African Group. He recalled that in the meeting of the African Group in Congo they could present the candidature to organize the next meeting and that within one month before the meeting of the IAJ of 2017 they could present the candidature to host the international congress of 2018.

IVORY COAST

The Secretary General of the Association of Ivory Coast said that the delegation of UNAMACI was very happy to stay in Barcelona and meet the colleagues of the African Group. He thanked the judges of the Algerian Association for the perfect organization of the meeting of the African Group held in June. He informed the assembly that Mrs. Diakité was appointed member of the International

Labour Office in Geneva. He added that no relevant news occurred in the life of the Association, taking into account also the period of judicial holiday.

MOROCCO

Mr. Khadaroui Mohamed, Vice President of the Association of Morocco thanked Mr. Musi and the Algerian colleagues for the great work done during the meeting in Algiers. After that meeting, in Tunisia, the Moroccan judges met some judges from Libya, who had a very active association and asked to become member of the IAJ. The Association of Morocco was involved in fighting some bills on organic laws concerning the judiciary that were not in compliance with the spirit of the new Constitution. The Association had good results and would participate in an international meeting on the independence of the judiciary at the end of the month. At the same time the Association was trying to make all the judges of the country aware of these bills on organic law in order to have their advice and to implement the independence of the judiciary. He thanked the President and all the Group for the work they had done and added, on request of Mr. Musi, that he would send to the Secretary-General the contacts with the Libyan colleagues.

MOZAMBIQUE

A delegate of the Association of Mozambique thanked the colleagues for the invitation to the meeting of Barcelona. She informed the assembly that his association in conjunction with the International Union of Portuguese Speaking Judges organized a conference whose theme was “The environment, human rights and the rule of law in Portuguese Speaking African Countries”. The meeting had the participation of the Portuguese speaking countries, and also of Timor East. She said that there were new elections in the Association, and now there was a new President and a new Executive Secretary, who was a woman. She added that the Association was working in order to implement the independence of the judiciary. The Association was involved in a Commission with the aim to safeguard the rights and the effective independence of the judges of Mozambique. Members of this Commission were the President of the “Tribunal Supremo”, the Minister of Justice, the Minister of Finance and Economics, the President of the Administrative Court, the President of the Constitutional Council and the General Prosecutor. The Association was working also to get better conditions about safety, considering that in 2014 a judge was killed because of his work.

NIGER

A delegate of the Association of Niger said that his association began negotiations for the functioning and the composition of the High Council for the Judiciary. In particular the Association asked for the adoption of an internal regulation in order to clarify the rules of the convening of this body and the procedure to take its decisions. The Government agreed with the principle and made the commitment to adopt a text, but as concerns the composition of the High Council for the Judiciary, it has not modified the text yet. At the moment the High Council for the Judiciary was composed not only of judges but also of members of the Executive and Legislative power. As concerns the relation with the Executive power, the Association brought action against the Minister of the Interior, who had said that the decisions taken by a judge in a case was suspect, but the Prosecutor decided to dismiss the case. The Association also denounced the bill of law aiming at modify the Statute of the Judges by allowing the court clerks to become judges. After the intervention of the Association, the Government gave up with this bill of reform. The delegate of the Association of Niger added that his association began a great campaign in order to raise the awareness about the ethics and the deontology of the judges.

SENEGAL

The delegate of the Association of Senegal thanked the Algerian colleagues for the perfect organization of the meeting of the African Group in June. He informed that on the 8th August 2015 there

was a general assembly which elected a new steering committee. There was nothing in particular to signal about the association.

TUNISIA

The President of the Association of Tunisia, Mrs. Karafi, said that after the legislative elections of the 26th October 2014 and the presidential elections of the 23rd November 2014, the post-revolutionary State of Tunisia was experiencing a new phase of its democratic transition, which concerned the concretization of the constitutional rules. The challenge concerned the adoption of the new laws about the High Council for the Judiciary, the judicial organisation, the Statute of Judges and the Constitutional Court. The Association of Tunisia elaborated a bill of law concerning the High Council for the Judiciary, after a large consultation of judges. It was expression of the Constitution of the 27th January 2014, in order to have a High Council which represented and independent judiciary and extended his functions not only to the dealing with the careers but also to the recruitment and the training of the judges and to the judicial inspection. Mrs. Karafi said that the majority of the Parliament didn't agree with the vision of the Association and, in May 2015, approved a different bill of law non-compliant with Constitution. Under the pressure of the Association of Tunisia, the provisional body charged of the constitutional review (charged to determine the constitutionality of a law) declared contrary to Constitution the law on the High Council for the Judiciary, referring the law back to the Parliament. The Association would ensure that the new law could provide the best guaranties for the independence of the Judiciary. Mrs. Karafi added that in September the Association had organized a seminar concerning the fight against terrorism and the respect of the human rights.

5. Procedure for the submission of draft resolutions to the ARG and the CC.

President Musi explained the procedure for the submission of draft resolutions to the African Regional Group and to the Central Council. He underlined that the resolutions concerning the situation of the judges in the member association should be discussed and adopted by the Regional Group. If the Regional Group wanted the resolution to be adopted by the Central Council, there was the need to have the draft resolutions written at least in English and French. The Group approved unanimously the procedure.

6. Finance.

President Musi explained the documents prepared on this subject by the Secretariat-General, according to which the availability on 30 September 2015 was of 12327,90 Euros (the document is annexed to this report as enclosure n. 1).

7. Financial assistance to rapporteurs

President Musi underlined that some Associations that applied for membership did not have sufficient funds to pay for the expenses of the rapporteur. According to the current procedure, the country, which applied to become member, paid the lodging and flight travel expenses of the rapporteur who visited the country. But if for any particular reason a country could not afford these expenses, the association could approach the African Group asking for the assistance that was needed and the African Group could evaluate what kind of assistance could give.

8. Confirmation of the venue of the next meeting.

President Musi said that the Association of the Democratic Republic of Congo confirmed the availability to host the next meeting of the African Group. The details will be communicated by the Secretary General to all the member associations.

9. Miscellaneous.

The Group unanimously declared to support the resolution concerning the current situation of the judges of Uruguay, distributed beforehand by the Secretariat. President Musi announced that it was necessary an amendment to the Statute of the African Group in order to admit in the Group a member association of a country that was not in Africa.

The meeting finished at 15:00

The Deputy Secretary-General
Raffaele Gargiulo

The President
Cagney Musi

Annex:

Budget 2014-2015 and expenses from 1st November 2014 to 30 September 2015