



**GROUPE REGIONAL AFRICAIN
UNION INTERNATIONALE DES MAGISTRATS**

INTERNATIONAL ASSOCIATION OF JUDGES

**Summary Report of the Meeting of the
AFRICAN REGIONAL GROUP**
Casablanca (Morocco), 27th – 31st March 2008

SESSION OF 27 MARCH

The meeting was chaired by Mrs. Fatoumata Diakité, Vice-President of the IAJ, President of the African Regional Group, with the participation of the President of the IAJ, Mrs. Maja Tratnik, of the Vice Presidents Mrs Joanna Seybert and Mr Virgilijus Valancius, of the former Vice President, Mr Louis Denecker and of the Deputy Secretary-General of the IAJ, Mr. Giacomo Oberto, as well as the following delegates of member Associations of the International Association of Judges and of the African Regional Group:

Algeria (observer)	Aïdouni Djamel, Louinici Redha, Boussuf Moussa
Angola (observer)	Manuel Bambi
Benin (observer)	Madobé Onésime, Medegan Michelle
Cameroon	Mrs Hayatou, Oumarou Bamanga
Gabon (observer)	Moukagni-Iwangou
Guinea (observer)	Keléfa Sall
Ivory Coast	Kouassi Bernard, Prégnon Boniface, Soungolé Charles
Mali	Ousmane Samaké, Adama Fomba, Modibo Diarra
Mauritania (observer)	Sidi Brahim Mohammed Katter, Mohamed Weld Abderahmane
Morocco	Mostafa Farès, Mustapha Halmi, Wakidi Abdelaziz
Niger	Yakouba Balikissou, Yakouba Soumana
Senegal	Moustapha Diouf, Koliba Dansokho
South Africa	Judith Freda van Schalwyk, Cagney Musi, Elsie Schnetter, Dario Dosio, Vincent Katschibumo
Sudan (observer)	Osamah Hassan
Togo	Aboudou Assouma, Tekoe Theodose
Tunisia	Tarak Braham, Riadh Gharbi, Tahar ben Torkia, Hatem Dach Raoui, Bendellaa Ahmed

1. Approval of the Summary Report of the Group's last Meeting in Trondheim;

The President of the Group opened the session of the meeting of the Group at 5 p.m., first of all by thanking all the delegates in attendance, as well as the observers. She thanked the President of the IAJ, Mrs. Tratnik, as well as the Vice-presidents Mrs. Seybert and Mr. Valancius for their presence. The President Diakité thanked also the former Vice-President of the IAJ Mr. Denecker of his presence and explained that in attendance was also Mr. Reinier van Zuitphen, representative of the Association of judges of the Netherlands. She welcomed then the observers from Algeria, Angola, Benin, Gabon, Guinea Conakry, Indonesia, Mauritania, and Sudan.

Mrs. Diakité informed the assembly that the First Vice-President Mr. Bento Company and the Vice-President Solbakken will join the meeting of the Group as from March 28. The President thanked the Association Hassania of judges of Morocco and its President Mr. Farès, for the perfect organization of the meeting of Casablanca and for the warm reception. The President, on behalf of the Group, expressed her congratulations to the Dean of the Group, Mr. Assouma of Togo, for his appointment to the head of the constitutional Court of his Country.

Mr. Farés took the floor to welcome the participants and to give practical information on the course of the meeting.

Mrs. Diakité then passed to the examination of the points on the agenda of the meeting. She asked whether the delegates in attendance had remarks on the agenda of the meeting of Casablanca. No delegation raised observations on this subject. She asked then if there were remarks on the minutes of the meeting of the Group in Trondheim, which had been distributed by the Secretariat. No remarks were submitted to the Presidency, or to the Secretariat. The minutes of the last meeting of the African Group in Trondheim were unanimously approved.

2) Financial Situation of the Group:

The President of the Group gave the floor to the Deputy Secretary General of the IAJ Mr. Oberto, who informed the assembly on the financial situation of the African Group. He read a document prepared on this subject by the Secretariat General, from which it arose that the availability at March 26, 2008 was of 9,227.08 €. Mrs. Diakité stressed the importance of transparency in the management of the funds which are at the disposal of the Group. She added on this subject that each year the Secretariat General puts at the disposal of the Group (as well as other Regional Groups) the sum of 3,000.00 €.

President Diakité also made circulate among the delegates a document prepared by the Secretariat General containing information on the situation of payments of the contributions. She invited the concerned Associations to kindly update their positions with payment of their fees. Mrs. Diakité pointed out also the provisions of the statutes of the IAJ and decisions adopted by the Committee of the Presidency about Associations which have arrears in the payment of their contributions. She added that during the meeting of Trondheim several delegations raised the problem. They had also insisted on the need to implement the provisions of the statutes concerning this issue. An *ad hoc* committee was set up to consider this topic; it will make proposals on the actions to be followed during the next meeting in Yerevan.

3) Situation of Member Associations:

The President invited first of all the delegates to introduce themselves, before taking the floor in turn.

The representative of the Association of Senegal took the floor by explaining that frictions took place recently with the ministry for justice. He mentioned the case of the President of the Association, who had been put under disciplinary proceedings for some opinions he had expressed, as well as the case of another colleague, who, having refused to manifest his agreement to a detachment, had been put under disciplinary lawsuit. Fortunately the High Council for the Judiciary had rejected these two requests. In conclusion he says that Association is strong and the magistrates of the Country were welded all around it.

The representative of Togo, Mr. Assouma, reiterated his thanks to the “Amicale Hassania” of the Moroccan Judges and to its President for the perfect organization of the meeting and the cordial reception, as for the congratulations which were addressed to him for its appointment to the head of the Constitutional Court. The Association of Togo recently tried to create a federation with the other two small Associations of the Country, but these efforts at this time do not have brought results. As for the rest, there was nothing special to emphasise.

The delegate of Niger highlighted the interventions successfully made by the African Group of the IAJ before his government about the problems concerning the bills aiming at introducing a confessional oath for judges, as well as the contractualisation of certain functions within the judiciary. Following the appointment of a new Minister for Justice, the relationship between executive and judiciary appreciably improved. The Association which had been set up by the former minister, in order to compete with the Association member of the IAJ, ceased existing.

The delegate of South Africa took the floor to point out that the problems which had appeared a few years ago about certain bills on the judiciary had been solved thanks also to the intervention of the special rapporteur of the United Nations for the independence of the judiciary Mr. Despouy and of the IAJ. Very recently there had been problems as regards the relationship with the Minister of justice

on the topic of the appointment of a judge, but finally the minister was obliged to appoint the candidate proposed by the Judicial Council.

The delegate of the Ivory Coast announced that governmental regulations for implementation of recent laws had recently been adopted and now one can really say that the situation of judges and prosecutors has improved.

The delegate of Cameroon informed the assembly that there were no special problems as regards his Country. Currently the Association is informing the community of its existence and its activities.

The representative of Morocco said that after the meeting of Trondheim the “Amicale Hassania” of the Judges focused on the preparation of the meeting of Casablanca. As for the rest, there was nothing in particular to announce.

The delegate of Tunisia thanked for the invitation and informed the assembly that the steering committee of the Association will terminate its mandate next December, at the time of the electoral congress, to which he invited President Maja Tratnik.

The delegate of Mali informed the assembly that there was no particular problem to emphasize and that the Association will not fail to inform the Group, if difficulties were to emerge.

The observer of Gabon reiterated the congratulations to the Dean Assouma and informed the assembly that the ministry of justice recently prepared a state of the situation, from which it is arose that no problems of cohabitation existed between the ministry and the judges. As for Association, it is awaiting the decisions of the IAJ about its application for membership.

The observer of Mauritania thanked for the invitation. He explained that the Mauritanian Association had received the approval by the High Council for the Judiciary. He added he was eager to know the experiences of other countries and to become member of the IAJ.

The observer from Algeria pointed out that the judges Association is now 18 years old and it had been able in the past to successfully overcome the difficulties of the first times, i.e. problems caused, first of all, by the presence of another Association, that they succeeded in federating with them, as well as some frictions with the ministry for justice. The law on the statute of the judiciary guarantees now a full independence to the judicial body.

The observer of Angola thanked for the invitation and pointed out that an Association of prosecutors exists in Angola since 1994, but that it had just opened itself only very recently to the co-operation with the foreign organizations. He expressed his desire to set up a federation of his Association with that of the judges of his Country in order to be able to adhere to the IAJ.

The observer of Sudan took the floor to explain that the judiciary in his Country is independent and to express his satisfaction for this first contact with the IAJ. Sudanese judges are organized in a club which deals especially with the social affairs of the judiciary, but they would like to create an Association in order to be able to become members of the IAJ.

The observer of Benin reiterated the wish of his Association to come as fast as possible to the admission as a member of the IAJ. He underlined that the statutory guarantees of judicial independence are very strong in his Country, even if the relationship with the Minister of justice are sometimes tense.

Closing this debate President Diakité said she was delighted to note that practically everywhere, even where difficult cases arose, the rule of law prevailed and the problems were solved in a way favourable to the independence of the judiciary.

4) Report on activities of the President of the Group:

Mrs. Diakité informed the assembly on the activities deployed by her after the meeting of Trondheim. She explained that she especially tried to contact certain organizations which had lost contact to our organization. As regards in particular Tanzania, Mrs. Diakité received from Mr. Denecker the e-mail address of the representative of the Association, to whom she wrote a message inviting him to being so kind as to contact again the IAJ and the African Group. Unfortunately, so far she had not received any answer.

As regards Burkina Faso, the President called on the phone the new President of the Association, who promised to send of a written report, which however was not sent. She then

contacted by telephone another colleague; she also thereafter contacted him by electronic mail. She is still waiting for a written reply explaining the situation of the Association of the Country.

As regards Egypt, the President of the “Amicale Hassania” contacted the representative of the Egyptian Club, which initially had promised to send a delegation of four people to Casablanca. Unfortunately at the last time they let know that no delegate of that Country could take part in the meeting in Morocco. Mrs. Diakité gave to the Deputy Secretary General a copy of the messages addressed to Tanzania and Burkina Faso.

5) Choice of the venue for the next meeting of the Group;

The President invited all Associations willing to propose their candidature for the organization of the next meetings of the Group to take the floor. She pointed out there was time until the end of the Congress. Of course the question will be addressed again in Yerevan in September, but it would be nevertheless convenient that candidatures be already presented during the meeting of Casablanca. Mr. Assouma asked whether a Country which still has the statute of observer can organize a meeting of the Group. Mrs. Diakité explained that in theory there were no problems, provided that there were no candidatures submitted by countries which are already members.

The delegate of Algeria submitted the availability of his Association to organize the meeting of the Group in 2009. Mrs. Diakité thanked, in the name of the assembly, the delegate of Algeria for the availability of his Association.

7) Miscellaneous.

President Diakité drew the attention of the assembly to the fact that the Secretariat already sent to all member Associations the application form for the annual meeting of Yerevan. The forms will be also sent to some observers, according to the decisions which will be adopted by the Presidency Committee in April. She invited also Associations to fill and send to the Secretariat General the replies to the questionnaire distributed by the Secretariat.

The delegate of South Africa stressed the importance to adopt a general line of contact on the problem of the countries which have arrears in the payment of their contributions.

President Tratnik took the floor on this subject by stressing that in Trondheim the Central Council decided to set up an *ad hoc* committee chaired by Vice-President Solbakken and also composed of Mrs. Diakité, Mrs. Crespo (for the Ibero-American Group) and of Mr. Blair (for the ANAO Group). This working group will work out a strategy and will indicate possible solutions on this subject. She added that there are countries which do not show any more any interest in our Association, while there are others which would wish to continue their collaboration, but that experience financial problems.

The delegate of Senegal suggested that the choice of venues of meetings be carried out, if possible, two years in advance, in order to give concerned Associations all the time to be able to prepare the meetings. Mrs. Diakité expresses her agreement with this proposal.

SESSION OF 28 MARCH

The official Ceremony of inauguration took place on March 28, 2008 at 9.30 a.m. in the Palace of the Commercial Court of Appeal of Casablanca. During this ceremony took the floor the President of “Amicale Hassania” of the Moroccan judges, the Minister of Justice of Morocco, the President of the Supreme Court and the Attorney General before to the Supreme Court of Morocco, the President of the IAJ, the President of the African Regional Group of the IAJ and Mr. Assouma of Togo in the name of the participants. The ceremony was followed by the signature of partnership protocols between the “Amicale Hassania” of Moroccan Judges and the Association of judges of the Netherlands, as well as with the Association of judges and lawyers of the United States, with the Bar Association of Morocco and with the Fasli architecture firm.

The meeting was closed by the President at 12.30 p.m.

SESSION OF 29 MARCH

6) Choice of the candidate of the Group for elections to the Presidency Committee to be held in September 2008.

On 29 March at 9.00 a.m. the President summoned a meeting of the heads of delegations in order to discuss point No. 6 of the agenda. The meeting was presided over by Mrs. Fatoumata Diakité, Vice President of the IAJ, President of the African Group, with the participation of the President of the IAJ, Mrs. Maja Tratnik, of the First Vice President Mr. Bento Company, of the Vice Presidents Mrs. Seybert, Mr Solbakken, Mr Valancius, of the former Vice President, Mr Louis Denecker and of the Deputy Secretary-General of the IAJ, Mr. Giacomo Oberto, as well as the following delegates of member Associations of the International Association of Judges and of the African Regional Group:

Algeria (observer)	Ajdouni Djamel, Louinici Redha, Boussuf Moussa
Angola (observer)	Manuel Bambi
Benin (observer)	Madode Onésime
Cameroon	Mrs. Hayatou, Oumarou Bamanga
Gabon (observer)	Moukagni-Iwangou
Guinea (observer)	Kaléfa Sall
Ivory Coast	Pregnon Lognon Boniface, Soungole Charles
Mali	Adama Fomba
Mauritania (observer)	Sidi Brahim Mohammed Katter, Mohamed Weld Abderahmane
Morocco	Mustapha Halmi
Niger	Yakouba Balikissou, Yakouba Soumana
Senegal	Koliba Dansokho
South Africa	Cagney Musi, Judith van Schalwyk
Sudan (observer)	Osamah Hassan
Togo	Aboudou Assouma, Tekoe Tété Theodose
Tunisia	Tarak Braham

Mrs. Diakité yielded the presidency of the session to the Dean Mr. Assouma, who explained the importance of the topic at this item on the agenda. He noticed that the African Group was increasing in size and strengthening its activities, thanks to the action deployed by Mrs. Diakité. For this reason he proposed that the Group submit for the third time the candidature of Mrs. Diakité for the renewal of the Presidency Committee in September 2008.

The delegates of all Associations members declared their full support to this proposal. The delegate of Tunisia said that his Association would wish to abstain, not for criticism towards the activity of President Diakité, but to mark the dissatisfaction of his organization for the decision of the Presidency Committee to summon to Rome some Tunisian judges in the absence of the representatives of the steering committee of the Association.

President Tratnik took the floor to explain that the Association of Tunisia should not feel aimed at by the decision of the Presidency Committee. She pointed out that the IAJ was under a strong pressure at the international level and that the delegates of the steering committee of the A.M.T. had been already heard on several occasions during the meetings of Siófok, Abidjan and Trondheim. She stressed then that Tunisian Association had not invited the President of the Group in Tunis, at the time of the last elections for the steering committee of local Association and that if she had been invited in Tunis all the difficulties could have been easily solved. Finally she added that the decision criticized by the Tunisian colleagues was not a decision taken by Mrs. Diakité, but a decision which the President Tratnik had made, with the approval of the Presidency Committee.

Mr. Musi of South Africa and Mr. Dansokho of Senegal took the floor to stress that this issue was not mentioned under the point on the agenda relating to the situation of member Associations and that now it is absolutely necessary to take a decision on the proposal for the election of the Vice Presidency of the IAJ.

Mr. Assouma having noted the standpoint of various Associations declared that the candidature of Mrs. Diakit  was to be intended as proposed by acclamation.

President Diakit  closed this part of the meeting by evoking the spirit of co-operation and fraternity which always characterized relations within the Group. By stressing that friendship is based on truth, she thanked all the colleagues and all Associations for the contribution given to the debates, by ensuring that she will not spare any effort to strengthen cohesion, activities and successes of the Group.

The meeting with the heads of delegations of member Associations was closed at 10.30 a.m. It was followed by a meeting with the observers. Mrs. Diakit  introduced the subject giving the floor to Deputy Secretary General Mr. Oberto, who explained which are the goals and the bodies of the IAJ, as well as the procedures to be followed for membership of new Associations. The delegates of the observer countries took the floor in turn to explain the situation of their respective Associations and to ask questions about the life of the IAJ, as well as on the procedures for membership. Mrs. Diakit  and Mr. Oberto answered these questions. Mr. Oberto explained finally the situation of application for membership of Associations currently under examination as regards the African countries.

The session was closed at 12.00.

SESSION OF 30 MARCH

After the completion of the work in commissions on the theme of the congress, at 1.00 p.m. works resumed again at a plenary sitting with the ceremony of closure of the meeting under the presidency of the President of the "Amicale Hassania" of Moroccan Judges, Mr. Far s. During this ceremony, the President of the IAJ Mrs. Tratnik and the President of the Group Mrs. Diakit  took the floor to thank the "Amicale Hassania" for the warm reception and the perfect organization of the meeting. The delegate of Morocco read the general report and the declaration of Casablanca, which were approved unanimously.

A representative of the "Amicale Hassania" of Moroccan Judges read a motion of thanks addressed to the King of Morocco.

The meeting was closed at 2.30 p.m.

The Deputy Secretary General
Giacomo OBERTO

The President
Fatoumata DIAKIT 