



INTERNATIONAL ASSOCIATION OF JUDGES  
UNION INTERNATIONALE DES MAGISTRATS  
UNIÓN INTERNACIONAL DE MAGISTRADOS  
INTERNATIONALE VEREINIGUNG DER RICHTER  
UNIONE INTERNAZIONALE DEI MAGISTRATI

PALAZZO DI GIUSTIZIA - PIAZZA CAVOUR - 00193 ROMA - ITALY

## INTERNATIONAL ASSOCIATION OF JUDGES

### Summary Report of the Meeting of the AFRICAN REGIONAL GROUP

Johannesburg (South Africa), 13-15 June 2003

The meeting was chaired by Mr. Mansour Sy, Vice-President of the I.A.J., President of the African Regional Group, with the participation of the Honorary President of the I.A.J. Mr. Tarek Bennour, of the Deputy Secretary-General of the I.A.J., Mr. Oberto, as well as the following delegates of associations members of the International Association of Judges and of the African Regional Group:

Ivory Coast	Mrs. Fatoumata Diakité, Mr. Momblé Messey, Mr. Kuassi Bouru Bertin
Mali	Mr. Fodié Touré and Mr. Ousmane
Morocco	Mr. Fourket Mohammed and Mr. Zuidine Adellatif
South Africa	Mr. Cagney Musy, Mrs. Connie Molwantwa, Mr. André Le Grange, Mrs. Soma Naidoo
Tunisia	Mr. Khaled Abbes and Mr. El Glaa Fethi

The opening ceremony of the meeting took place on June 13, 2003 at 6.30 p.m. with an official dinner, during which the President of JOASA (Judicial Officers Association of South Africa) Mr. Musy, the President of the Supreme Court of South Africa Mr. Chaskalson, the President of the African Group Mr. Sy and the Honorary president of the I.A.J. Mr. Tarek Bennour took the floor. During this ceremony Mr. Tarek Bennour informed the assembly that the President of the I.A.J. Mr. Markel had sent by electronic mail a letter to explain the events—dependent on the strike of the air company Air France—which prevented him from taking part in the meeting, in spite of his desire to contribute to the works of the Group.

On June 14, 2003, at 9.00 a.m. the Minister for Justice of South Africa Mr. P.M. Maduna addressed a speech to the assembly, wishing best success for this meeting. Between 9.30 a.m. and 4.30 p.m. the assembly discussed the topic "Judicial Backlogs and their solutions in your Countries." During the conference the following delegates took the floor to present a report: Mr. J. Kriegler (South Africa), Mr. T. Mabaso (South Africa), Mr. F. El Glaa (Tunisia), Mr. F. Touré (Mali), Mr. M. Messey (Ivory Coast), Mr. T. Bennour (Honorary president of the I.A.J.).

#### 1. Report of the President and approval of the summary report of the last meeting in Marrakech.

The President of the Group opened the meeting on June 14, 2003 at 3h30 p.m., by thanking all delegates in attendance. He thanked the JOASA for the organization of the meeting and the reception. The President of the African Group informed the assembly that the President of the I.A.J. Mr. Markel could not travel to Johannesburg because of problems related to the strike of Air France. He added that Mr. Markel had sent a letter expressing his regret for not being able to take part in the works of the Group and wishing success to the meeting. Mr. Sy informed also the assembly of the messages sent by the First Vice-President Mr. Beneti, by the Vice-Presidents Mrs. Mailhot, Mrs. Tratnik and Mr. Denecker, as well as by Mr. Assouma, delegate of Togo, who, for professional obligations, could not travel to Johannesburg. Mr. Sy gave then the floor to the Honorary President Mr. Bennour, who addressed a speech to the assembly in the name of President Mr. Markel. He explained that, after the meeting of Alicante, the Presidency Committee of the I.A.J. had held a meeting on June 6 in Madrid. On June 5 the Committee had assisted at the delivery of the international price of the Foundation "Justice in the World" to Mr. Param Cumaraswamy, a lawyer from Malaysia and U.N. special rapporteur on the independence of judges and lawyers. The price was awarded in Madrid at the closing ceremony of the conference of Foundation delegates on the topic: "Foreigners and immigration." The

E.A.J. held its meeting on May 9

and 10 in Dubrovnik, Croatia, and the Ibero-American Group met on April 3 and 4 in Chihuahua, Mexico.

Mr. Sy then passed to examine the points on the agenda of the meeting. He asked whether the delegates had remarks on the report, which had been delivered by the Secretariat. The minutes of the last meeting of the African Group in Marrakech were unanimously approved.

Mr. Sy submitted then his report. He explained that this time the organizers had decided to cover three subjects, which is against the practices of the Group, which usually discusses only one topic at its meetings. He evoked then the meeting held in Alicante by the International Institute of the Foundation "Justice in the World." The goal of this institute is that to assess the situation of the judicial power in the world and to publish works starting from the reports and observations concerning the situation of the judiciary in the various countries. The first volume of a comparative work on judicial systems was already published. A second volume is in preparation. Mr. Sy added that the Vice-President of the I.A.J., Mrs. Mailhot, President of the Institute, asked to the Presidents of Regional Groups to meet various associations and to suggest two subjects to be treated: corruption and terrorism. Each association is requested to appoint a rapporteur on each one of these two subjects. The selected colleagues will send to Mrs. Mailhot a ten-page report on corruption and one-page-and-half-report on terrorism. Both these reports shall deal with current African legislations. The President evoked then three-day symposium on the topic "Foreigners and Immigration," which was held at the beginning of June in Madrid. All associations were invited. As regards the Foundation, Mr. Sy added that it would be necessary to think to submit next year an African candidature for the international "Justice in the World" prize. He evoked then the training courses organized each year by the Foundation, recommending to the delegates to make so that each country of the I.A.J. be represented at the time of these activities.

Mr. Sy stressed then the importance of the creation of a news bulletin for the Group. On this subject he gave the floor to Mr. Fourquet, delegate of Morocco. Mr. Fourquet informed the assembly that the "Amicale Hassania" (Hassanite Association) of the Moroccan Judges had carried out the first issue of the review "Africa Judges." He illustrated the contents of this first issue, dealing with the meeting held in Marrakech. Several specimens of this issue were put at the disposal of the delegates in Johannesburg. Mr. Fourquet added that he would send other specimens to associations which did not take part in the meeting of Johannesburg. He thanked all the people who contributed to the realization of this number, regretting that other African associations did not support this initiative. For the moment only the French version was carried out, but Moroccan association will publish the English version as well. Mr. Fourquet added that the realisation of this number cost its association the sum of € 57,000. He informed as well the assembly that, following a common agreement between the "Amicale Hassania" and the Administration of Social Activities of Judges and Senior Officials of Justice of Morocco, the members of the I.A.J. in general and of the African Group in particular are invited to visit and stay in the leisure centres of the Moroccan Association to the same fares applied to Moroccan judges. Mr. Sy cordially thanked on behalf of the Group Mr. Fourquet for the realization of the bulletin and for all the initiatives of the Moroccan colleagues. Mr. Bennour as well thanked the Moroccan delegation.

## 2. Applications for IAJ membership.

Mr. Sy pointed out that Morocco had submitted its candidature for the organisation of the I.A.J. annual meeting in 2005. Mr. Fourquet confirmed this candidature. As regards application for membership in the I.A.J. submitted by Burkina Faso, the President informed the assembly that he already submitted his report to the Presidency Committee. This candidature will be presented at the meeting of the Central Council in Vienna. Mr. Sy added that he had been contacted by a colleague who spoke with him about the possibility of a candidature on behalf of Zimbabwe. Mr. Sy had explained him the procedures to be followed for the submission of an application to the I.A.J.

## 3. Problems of member associations.

Mr. Sy mentioned then the problem arising from a letter of a judge of Burundi. This was the second message of this kind. The first had already been subjected to the attention of the Group. The

President informed the assembly that the Presidency Committee had decided that this issue fell under the competencies of the African Group. The idea of Mr. Sy was to address to the colleagues of Burundi a letter of encouragement, possibly accompanied by a message to the government of the concerned country. As regards Guinea Bissau Mr. Sy explained that he had been contacted by the temporary President of association. After the President of the Supreme Court, the Attorney General and the President of the local association had been dismissed, this people had exiled themselves in Portugal. Mr. Sy had also informed of this problem the Presidency Committee. Mr. Sy added that there were African associations (and in particular those of Cameroon, Niger and Tanzania) which were not up to date in the payment of the annual contributions to the I.A.J.; they risk therefore to be excluded from the U.I.M. None of these associations was attending the meeting of Johannesburg.

#### 4. Miscellaneous.

The President of the Group and the Honorary President of the I.A.J. answered then questions put by South-African participants in the meeting about the means for an intervention of the I.A.J. in the problems concerning associations in the countries where the independence of the judicial power is at risk. During his answer Mr. Sy evoked the mission which he had achieved in Burkina Faso.

Mrs. Diakite took then the floor to express her fear that the African Group withdraws into itself and that it does not open to associations which are not yet members of the I.A.J. She explained that since the meeting of Abidjan in 1998 the Group had acquired new members, but in recent time this activity had slowed. She underlined the need that other associations join the Group in order to prevent that the other groups manage to choose the leaders of the African Group, as this Group still forms the object of many prejudices. Mrs. Diakite added that in her opinion the best the way to help judges to keep their independence is not to judge them in the light of the political regime of their country, but to try to convince them to join our association. She invited the Group not to withdraw into itself, if it wants to avoid the risk of dying; she expressed the opinion that many delegations had not come to Johannesburg not for lack of means, but because of undergone frustrations. She adds that she had come to South Africa for her friendship towards the association of this country; otherwise she would not have come, because there are problems that people in the I.A.J. do not have courage to face. Mrs. Diakite concluded her intervention by stressing that it is necessary that Africa decide for Africa.

The President of the Group and the Honorary President answered this intervention by underlining the need that the countries which want to belong to an association fill the required criteria for membership in the concerned organization. The I.A.J. has always been sticking to these rules, which are precise; they aim at making so that our organization can effectively fight for the safeguard of the independence of the judicial power. Mr. Sy and Mr. Bennour cited the case of Guinea, where there is no association of judges, but only one association of the workers of justice. They cited as well the case of Russia and of China, where membership in the political organizations of the State is compulsory, with the consequence that candidatures to the I.A.J. from judges of those countries is unacceptable. They stressed the need to comply with the rules provided for the admission of new members, remarking that the African Group, which soon will count 12 members, was founded at the beginning only by three countries. The Group had also obtained a modification of the I.A.J.'s regulation, in order to create a fourth Study Commission.

The Honorary President Mr. Bennour evoked then some of the actions undertaken by the African Group for the benefit of judges belonging to countries which were not members, like Congo. In this case, for example, the Group had also financially helped colleagues who had undergone a persecution in that country. Mr. Bennour then evoked his mission to Paraguay, Bolivia and Peru, which had produced very positive effects in the first two countries. He underlined the efforts he had made to convince other associations to join the I.A.J. He stressed that, in his view, it was of no use to have members who, after little time, do not take part any more in the meetings and who do not even pay their contributions. Finally he underlined the need that the Group discuss and prepare in advance the elections for the Presidency Committee of the I.A.J. That could help to make the Group stronger and well organised. He concluded his intervention by calling for a stronger solidarity within the Group.

Mr. Messey took the floor to propose that the Group create an office to assist its President. Mr. Sy answered that other groups had chosen a light structure and that there was not the need for the

African Group to set up a presidency office, since the functions of the secretariat for the Group are filled by the Secretariat-General of Rome.

Mr. Sy pointed out that in Vienna the Group will have to choose the place of its next meeting, as well as the subject to discuss.

The session was closed at 6.00 p.m.

On June 15, 2003, between 9.00 a.m. and 12.00 p.m., the assembly discussed the topic "Transformation of the Judiciary." During this conference the following delegates took the floor to submit a report: Mr. J. Raulinga (South Africa), Mr. J. Kollapan (South Africa), Mr. A. Le Grange (South Africa), Mrs. F. Diakite (Ivory Coast), Mr. G. Oberto (Secretariat-General of the I.A.J.), Mr. K. Abbes (Tunisia). Between 2.00 and 5.00 p.m. the Group discussed the following topic: "Safeguarding the Culture of Human Rights with Specific Reference to Genital Mutilation". During this conference the following delegates submitted a report: Mr. T. Mr. Maumela (South Africa) and Mrs. J. Piliso-Seroke (South Africa).

From 5.30 p.m. work continued within a working group for the drafting of the conclusions on the topic "Judicial Backlogs and their solutions in your Countries." These conclusions were read before the assembly in their English and French versions and were unanimously approved; they are attached as enclosure to this official report.

The meeting was enclosed at 8.00 p.m. by a word of thanks of President Sy.

The President  
Mamadou Mansour Sy

The Deputy Secretary-General  
Giacomo Oberto

Enclosure:

- Solutions in Respect of Case Management

## **SOLUTIONS IN RESPECT OF CASE MANAGEMENT**

The Regional African Group of the International Association of Judges meeting in Johannesburg on the 13 to 16 June 2003, having examined the problems relating to case management and having taken into consideration the possible solutions in order to address judicial backlogs,

**Resolve to Invite member states of the Group to make provisions in their legal systems for :**

### **PROPOSAL 1**

Performance standards which should include time limits should be developed for the processing of court cases. Officers responsible for case flow management should place before the head of court files in respect of which such performance standards have not been met in order that the judicial officer may conduct an enquiry and take appropriate action.

### **PROPOSAL 2**

To provide, where applicable, for the following sanctions in case of non compliance with deadlines: \*) Case taken away from the judicial officer if the delay was due to his or her conduct \*) Case taken away from the expert and assigned to another ex officio or upon request of any of the parties \*) Case be dismissed for non compliance with deadlines

### **PROPOSAL 3**

Alternative Dispute Resolution Mechanisms should be implemented to reduce case backlogs

### **PROPOSAL 4**

To mobilise more resources both human and otherwise for courts and ensure their optimal utilization.

### **PROPOSAL 5**

To provide adequate means including statutory powers and effective measures to judicial officers to effectively direct court and case management, as well as to eliminate delays.

### **PROPOSAL 6**

To appoint sufficient number of judicial officers and grant them appropriate initial and continuous training.

### **PROPOSAL 7**

The judiciary should lead the process of developing Protocols/Practice Manuals/Notices for structured co-operation between the various role players who participate in the processing of court cases.

### **PROPOSAL 8**

Judicial officers should play a pivotal role in case management to avoid abuses and to promote good administration of justice

**The African Group of the International Association of Judges**