



AFRICAN REGIONAL GROUP INTERNATIONAL ASSOCIATION OF JUDGES

SUMMARY REPORT OF THE MEETING IN KINSHASA (DEMOCRATIC REPUBLIC OF THE CONGO) 2nd June 2016

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

ALGERIA	Djamel Aidouni, Guedider Ismail
DEM. REP. OF CONGO	Edouard Isofa Nkanga, Laurent Taunya, Tkomba Samy, Otshudi Wonbadi Thomas, Piepie Mukuma, Shabani Wapenda, Therese Luvangu, Leopold Kondaloko, Kayembe Kasanda, Kibundila Mulindiwa Sympho, Kishiba Iwenda Lodovique, Akatshi Okassa Noella, Julia Badou, Njenbo Kineke, Kijana Wa Kijana Jules, Luku Kiese
IVORY COAST	Coulibaly Olga Sonia, Kouassi A. Marcelle, Mombley Messey, N'dri Mathurin
LIBERIA (observer)	Tweh Wesseh
MAURITANIA (observer)	Baba Ahmed Cheikh
MOROCCO	Boubhi Khalil
SENEGAL	Magatte Diop, Papa Abdoulaye Donde
SOUTH AFRICA	President Cagney Musi
TOGO	Baba Yara Affo Lamine
TUNISIA	Sami Baazaouni

In attendance were also representatives of the Belgian Association of Judges, Mr. Pol Van Iseghem and Mr. Max Carette.

1. Opening and Welcome;

The opening ceremony took place on 1st June, 2016, with the attendance of the Minister of Justice. During the whole day, as well as during the morning of 2nd June, 2016, the African Group debated the following issue “The fight against impunity in sexual assaults cases.” Presentations were made on the topic by Mr Kuku-Kiese Nzalabar, Secretary-General of the SYNAMAC, as well as by Mr Giacomo Oberto, Secretary-General of the I.A.J. and by Colonel Muntazini. Thorough debates within all delegates of the African Group followed such presentations.

President Musi opened the meeting on 2nd June, 2016, at 14:30, by thanking all the delegates in attendance and the President of the *Syndicat National des Magistrats de la République Démocratique du Congo* for the perfect organisation of the meeting and for the cordial reception. He thanked as well all the participants for attending the meeting.

2. Approval of summary report of the Group’s meeting held in Barcelona;

President Musi indicated that the minutes of the Group’s meeting held in Barcelona had been sent by email to all African associations and underlined that, according to the rules established by the IAJ Presidency Committee, if no remarks are made on the minutes within one month after their

distribution the minutes are deemed to be approved unless an association did not receive the document. As no remarks were raised, the minutes of the meeting held in Barcelona were, therefore, approved.

3. President's report;

President Musi took the floor in order to explain his activity during the period following the meeting in Barcelona. First of all he presented the apologies from President Cristina Crespo, who could not attend the meeting, and thanked for their presence Belgian delegates Pol van Iseghem and Max Carette, as well as the Secretary-General Giacomo Oberto, for his commitment to the African Group. Mr Musi also thanked Mr Isofa Nkanga, asking him to convey to President Nsambayi Mutenda Lukusa the best wishes of the African Group for a speedy recovery.

President Musi then explained that at the time SYNAMAC submitted its candidature to become member there was a competition between SYNAMAC and SYMCO. SYMCO again wrote in recent time to the Secretariat-General asking to become I.A.J. member. The request was rejected, pointing out that only SYNAMAC is the official R.D.C. member association. The President assured they will get the same response each time they are going to apply.

Mr Musi also welcomed the two observers from Liberia and Mauritania. He explained that rapporteurs had already been appointed for Liberia on their application. The same was true for Guinea Bissau. Reports on the applications of Mauritania and Sao Tomé e Príncipe were ready and the Presidency Committee would express its opinion on them. The President said that the African Group is growing slowly, but steadily. He therefore exhorted colleagues meeting other judges representing associations which are not yet I.A.J. members, to provide them with our contact details and persuade them to apply.

The President added that, as many will remember, in the past I.A.J. had two different categories of members: extraordinary and ordinary members. The African Group felt very strongly that this distinction had to be abolished. It was agreed within the Central Council that countries should complete a questionnaire every five years and for the first time in 2015. Unfortunately, many African countries have not completed the questionnaire and this subject has been discussed in Barcelona. He therefore invited associations to fill in the questionnaire and send it to the Secretariat-General. The risk that associations not complying with this requirement are running is that of being expelled from the I.A.J.

Mr Musi insisted that African associations have to communicate more among them and to the exterior. Actually, in the I.A.J. web site there is a space dedicated to the African Regional Group, where national associations could post information on their activities. He pointed out that the Presidency Committee is working most of the time through e-mail and internet and many of its decisions are available in the web site. As far as annual fees are concerned, the President mentioned the situation of Benin and Cameroon, which risk to be expelled for not compliance with the rules on payment of inscription fees. These associations are no longer attending our meetings either. He invited therefore all colleagues who might have links to such associations to provide contact details of the new board members. Actually, they have not been replying to our messages either.

Coming to the financial situation, the President remarked that the Group is in a healthy position, according to data provided by the Secretariat-General. This is due to the fact that the Group has been prudent with its finances. In fact it was decided that funds of the Group should stay available in case of need, when rapporteurs cannot be reimbursed by their countries of origin (he mentioned in this regard the recent cases of Senegal and Ivory Coast). Mr Musi concluded his report by thanking all delegates for the attendance in the meeting and for their cooperation.

The delegate from Morocco took the floor announcing the application of the association of judges of Libya, which should be sent in the next days to President Musi and to the Secretariat-General.

The observers from Liberia and Mauritania took the floor in order to announce the desire of their respective associations to become members of the I.A.J.

Ms Marcelle Kouassi from Ivory Coast took the floor in order to explain the contacts she had with the members of the new executive committee of the association of Benin, which unfortunately did

not lead so far to the payment by such association of their arrears. She referred also of some contacts with the association of Burundi, which have been interrupted in the last months.

4. African Group member associations' reports;

President Musi invited the attending delegations to take the floor in alphabetical (English) order.

Algeria:

Mr. Aidouni took the floor to thank the colleagues of the RDC for the invitation and also for their help in getting the visa to enter the country. He added that, after the meeting in Barcelona, the association has been very busy in the reform of the Constitution, proposing twelve points, which have been accepted on the topic of strengthening judicial independence, taking into particular consideration the composition of the High Council for the Judiciary. As far as this subject is concerned, he remarked that the proposal was to increase the number of elected judges. The minister of justice has appointed a working group in order to prepare a draft new law on the statute of judges. The association proposed as well to strengthen the Constitutional Council, in order to reach a better balance between the State powers.

The association also suggested a new way of addressing the Constitutional Council by the citizens through the Supreme Court and the State Council. Another proposal which was approved was aimed at providing the principle according to which nobody could prevent an Algerian citizen to freely travel outside or inside the Country, save in case of a decision by a court. Members of the High Council for the Judiciary have been elected by the judges (also those not belonging to the judiciary have been designated). At the association level the organisation is taking care of the newly appointed judges: currently about 75% of judges are young, and 47% are women. Mr Aidouni concluded his report underlying that the Group has to show solidarity in order to help the admission of Mauritania and Sao Tomé e Príncipe during the vote due to take place in Mexico City.

Dem. Rep. of Congo:

Two delegates of the Association took the floor, thanking all delegates who had travelled to Kinshasa. They explained the organisation of the meeting was a challenge for the SYNAMAC, as media reports on the situation of the Country could discourage many people from travelling to R.D.C. They added that, already during the meetings in Niamey and Algiers, SYNAMAC had informed about the progress of their relations to political leaders. The strategy adopted was the strategy of dialogue. Since then, not so many problems had occurred and relations with the government are good. Evidence of this was the very presence of high members of the executive, which supported the holding of this meeting. After the candidature of Kinshasa had been accepted, SYNAMAC focused on the organisation of the event. On the political side, the Country is facing political elections and SYNAMAC is working hard in the organisation of national dialogue. The association is also following the parting of the Supreme Court of justice in Constitutional Court, Cassation Court and State Council. Of these, only the first Court has been endowed with a law *ad hoc*, whereas statutes regulating the other two bodies have not been approved by the Parliament yet. SYNAMAC is watching that the independence of the judiciary be respected.

Ivory Coast:

Mr. N'dri Mathurin took the floor to thank first of all the R.D.C. colleagues for their warm welcome and for the perfect organisation of the conference. He conveyed the regret of Honorary President Diakite for not being able to attend the meeting, as she was appointed Justice of the Supreme Court, but also Judge of the administrative Court of the I.L.O. in Geneva. He then evoked the deep and friendly relations between Ivory Coast and the hosting Country, dating back to the times of Presidents Houphouët-Boigny and Mobutu. Both Countries are experiencing the same post-conflict problems. After this he informed the Assembly that the association is not experiencing particular problems and that its relationships with the other public powers are fair. The newly appointed minister

of justice is a judge, as his predecessor, and he is well aware of the problems of justice. UNAMACI has been associated to works about a new bill on the reform of the judiciary.

Morocco:

The delegate from Morocco first of all thanked SYNAMAC for the perfect organisation and for the warm hospitality. He evoked the successful fight in Barcelona for the admission of Iraq and informed the Assembly about an international conference in Casablanca with delegations from Maghreb countries such as from MEDEL. More than 1200 Moroccan judges took part into the event, which discussed the new organic law on the statute of judges. A wide debate is currently under way also with human rights organisations, on the subject of establishing an independent and strong judicial power. Next month elections for the new High Council will take place. The Hassania Association organised many seminars and training events for newly appointed judges.

Senegal:

Mr Magatte Diopp took the floor to thank the organisers of the meeting for the invitation and for the warm hospitality, which showed the capacity to set up great events. He then informed the assembly that recently he was elected President of the UMS. As far as the situation of the judiciary in his Country was concerned, he explained that there was not much to say, as the executive power respects the independence of the Judiciary and politicians respect the rule of law. However, from time to time some minor problems occur, such as in the case of an inopportune commentary made by a minister on a decision of the Supreme Court. This attitude was criticised by the association, which is paying attention to the respect of judicial prerogatives. He concluded his remarks by noting that also in Senegal we have to notice that lawyers are becoming more and more aggressive vis-à-vis the judges. Therefore all judges have to stick together, as only unity brings about strength.

South Africa:

President Musi informed that, contrary to what he had hoped, no delegate from his Country could travel to Kinshasa.

Togo:

The delegate from Togo thanked the organisers of the meeting for the warm and African hospitality. He remarked that his Country made real progress, gradually evolving to a normal situation in which the executive branch does not interfere in the judicial life. Also the association is evolving naturally. On 11th June a general assembly will take place, during which a new steering committee of the association will be elected. For this reason he was the only member to travel to Kinshasa, as the President and the other colleagues are busy with the organisation of that event. Next November Togo will host the conference of high courts of French speaking countries, what is showing that the situation is good. He ended his report asking the Assembly to show fraternity to colleagues from Burundi, who are in a difficult situation.

Tunisia:

The delegate from Tunisia first of all thanked the SYNAMAC for the perfect organisation of the meeting. He added that the judiciary of his Country is in a state of progression after the revolution in 2011. Before 2011 the executive branch had all the powers in its hands, but, thanks to the efforts of the civil society and the cooperation of the association of judges, the Parliament promulgated recently a law on the organisation of the Superior Council for the Judiciary. Elections will be organised in September 2016 under the control of the High Committee for the Elections. The Council will be composed of 45 judges elected by their peers, but it will also encompass lawyers, professors of law, notaries and judges designated by the executive. A bill is currently under way on administrative courts in the regions of the Tunisian republic, which will monitor municipal election in 2017. Another bill is under discussion on local public entities. All these changes occur under the Constitution adopted in

2014. The main problems are posed by the fact that judicial offices are not well equipped and also the material situation of judges does not correspond to the kind of work they are doing.

The President gave then the floor to the two observers (from Liberia and Mauritania) who briefly illustrated the situation of the judiciary in their Countries, expressing their willingness to join as soon as possible the family of the I.A.J.

President Musi thanked the delegates for their contributions and moved to the following point of the agenda.

5. Choice of the candidate of the African Group for the elections in Mexico City;

President Musi left the presidency of the meeting to Secretary-General Oberto, who asked whether there were proposals. All the delegates attending the meeting proposed the candidature of Mr. Cagney Musi. No other candidatures were submitted. Therefore the Assembly unanimously proposed Mr. Musi as Group's candidate for election to the Presidency Committee in Mexico City. Mr. Musi took then the floor in order to thank the Assembly for the confidence shown towards him and pledged to continue to work for the Group, as he had been doing so far.

6. Finance;

Secretary-General Oberto illustrated the Assembly the situation of the Group's budget: it may count on reserves and an annual assignment for a total amount of more than 20,000 Euro (enclosure n. 1). He also noted that by the date of the meeting only few member associations paid their annual fees and invited them all to settle their contributions. He added that, just for this year, the Presidency Committee had decided to allocate to each Regional Group the amount of 8,000 Euro instead of the regular allocation of 3,000 Euro.

7. Venue of the next meeting;

President Musi asked whether there were associations ready to host the meeting in 2017. Mr Isofa pointed out that last year the delegate from Mali had pledged to organise the springtime meeting in 2017. Unfortunately the Malian delegate (as well as the colleagues from Guinea and Niger) were blocked in Abidjan airport, as the flight to Kinshasa had been cancelled. The delegate from Tunisia also said his association was ready to host the event. President Musi charged the Secretariat-General to ask the Malian colleagues whether they would be available to host next meeting. The Assembly decided, upon proposal by the President, that, in case Mali showed its availability, that would be the Country chosen. Otherwise the choice would fall on Tunisia.

8. Miscellaneous.

The delegate from Algeria took the floor to propose that the African Group submit and endorse the candidature of Mr Musi as President of the I.A.J. In the future it will be important to restructure the Group, by setting up a committee charged of helping the President in his work. The Group could also reflect to change its name into Association of African Judges, or Union of African Judges. President Musi assured this issue will be put on the agenda of the meeting in Mexico City.

Having noted that there were no other topics under miscellaneous, President Musi declared the meeting closed at 17.00.

John Cagney Musi
President

Giacomo Oberto
Secretary-General

Enclosures:

1. Budget 2015-2016 and expenses from 1st October 2015 to 19th May 2016.



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

AFR budget Kinshasa

AFRICAN GROUP Regional Group of the I.A.J.

BUDGET 2015-2016 **and** **EXPENSES FROM 1st OCTOBER 2015 TO 19 MAY 2016**

(in EURO)

		total
A) Reserves	+ 12,327.90	
B) Contribution from the IAJ for the year 2015-16	+ 8,000.00	
C) Total availability for the year 2015-16 [A+B]		20,327.90
D) expenses	0	0
Availability on 19 May 2016 [C-D]		+ 20,327.90