



**AFRICAN REGIONAL GROUP  
INTERNATIONAL ASSOCIATION OF JUDGES**

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Summary Report of the meeting of the  
AFRICAN REGIONAL GROUP  
Marrakech (Morocco), 11th October 2009

The meeting was chaired by Mrs. Fatoumata Diakité, Vice-President of the IAJ, President of the African Group, with the participation of the President of the IAJ, Mr. Jose Maria Bento Company, and the Deputy Secretary-General of the IAJ, Mr. Gargiulo, as well as the following delegations of member associations of the International Association of Judges and of the African Regional Group:

Algeria (e.m.)	Mr. Atdouni Djamal; Mrs. Boubrit Malika ; Mr. Hineur Camel Ahmed;
Benin (e.m.)	Mr. Madodé Onesime
Democratic Republic of Congo (e.m.)	Mr. Nsambayi Mutenda Lukusa
Ivory Coast	Mr. Mombale Messey ; Mr. Kouassi Brou Bertin ; Mrs. Kouassi Affoué Marcelle ; Mr. N'Goran-Theckly Yves; Mrs. Coulibaly Olga Sonia; Mrs. Amon Laurence; Mrs. Zakpa Akissi Cécile ; Mr. Kouassi N. Bernard; Mrs. Rouba Daleba
Mali	Mr. Fodié Touré; Mr. Mamadou Diakite; Mr. Hamadoun B. Guindo;
Morocco	Mr. Mustaphah Almi; Mr. Abdelaziz Wakidi;
Niger	Mr. Yacouba Soumana;
Senegal	Mr. Abdoulaye Ba
South Africa	Mr. Dario Dosio; Mr. Cagney John Musi
Tunisia	Mr. Adnen Heni; Mr. Tarek Brahem ; Mrs. Ayari Essia ; Mr. Ben Turkia Taher; Mrs. Khadija Mzoughi.

Mrs. Diakité opened the meeting at 10:30, first of all by thanking all the delegates in attendance. She thanked, then, the association of Moroccan Judges and its President for the perfect organization of the meeting and for the reception. The President thanked also Mr. Louis Denecker, former Vice President of the IAJ, and Mr. Max Carette, Belgian judge (retired), who took part in the works of the Group and constantly expressed their solidarity and their friendship for the African magistrates.

Finally, she reiterated her thanks to the association of Algeria for the perfect organization of the meeting of Algiers

Mrs. Diakité asked whether the delegates in attendance had remarks on the agenda. No delegation submitted remarks on this.

The President passed, then, to the examine the points in the agenda of the meeting.

1. Approval of the summary report of the Group's last meeting in Algiers.

She asked then if there were remarks and observations on the minutes of the meeting of the Group in Algiers, distributed before by the Secretariat. No remarks had been submitted to the Presidency, nor with the Secretariat. In the absence of any remarks the minutes were unanimously approved.

## 2. Report on activities of the President of the Group:

The President announced that her report would also refer to the activities after the meeting of Erevan and before the meeting of the Group in June, because some delegates were not present in Algiers. She explained that she took part, in December 2008, in the mission charged by the Presidency Committee with inquiring into the situation in Tunisia, together with the President of the IAJ, Mr. Bento Company and the Deputy Secretary General, Mr. Oberto. The Commission was very well received in Tunisia and it could take part in the works of the Tunisian Association, which held its ordinary congress and elected its new steering committee. Mrs. Diakité added that the Commission could note that it was about a very open congress, with the participation of more than one thousand judges of the country. At the end of this mission, the Commission wrote a report which was submitted to the Presidency Committee. The President of the International Association of Judges, who chaired the mission in Tunis, will report on this subject to the Central Council.

Mrs. the President recalled that, after the meeting of Casablanca, she had devoted her efforts to the work within the ad hoc Committee, created for the recovery of the contributions of the member Associations.

The President specified that in her report, during the meeting of Erevan, she had written to all the available addresses of the associations of Egypt and Tanzania, but without having any answer. These two associations, as well as the Association of Venezuela, whose payment of their contributions had been in arrears “of over three years” (oppure which had been in arrears with the payment of their contributions for “over three years”? ), were excluded from the International Association of judges following a decision of the Central Council. The President stressed that during the meeting of the Central Council in Erevan, she had announced that the association of Burkina Faso had answered her requests, by a mail. This association had written in order to show interest in keeping its status of IAJ member, by stressing that economic difficulties had prevented the Association from paying its contributions and from taking part in the meetings. She added that since September 2008, she had been regularly in contact with the colleagues of Burkina. Two weeks before coming in Marrakech they ensured to have paid their contributions, but the Secretariat did not receive any payment. The colleagues of Burkina Faso also assured the President of their presence in Marrakech, but they did not come.

Mrs. Diakité pointed out that the problem with Senegal had been only the effect of an error made in the execution of the credit transfer; this mistake had been rectified.

With regard to Cameroun, the President stressed that he could not contact the President and the Vice-President of the Association, because they were on mission. She telephoned recently to Mrs HAYATOU member of this Association, who said to her that she could not come because of a problem at the last minute.

Mrs. Diakité thanked then the President of the IAJ, Jose Maria Bento Company, and the Secretary General, Mr. Mura, of their presence and their constant support for the African Group, giving them the word.

The President of the IAJ UIM declared to be delighted by the reception he had been granted in the African family. He stressed that there will be the possibility that a member of the African Group could organize the annual meeting of the IAJ after that of Marrakech. This fact showed the influence of the African Continent in this moment. He wished good work to the Group.

Mr. Mura welcomed the members of the African Group as well as the observers. He stressed that the Secretariat was always ready to respond to the needs of the associations of the African Group. He added that there was a new part on the Website of the IAJ which was devoted to the national associations.

Mrs. Diakité pointed out that she took part in April in Rome at the meeting of the Presidency Committee, which dealt with a certain number of questions which will be submitted to the attention of the Central Council in Marrakech.

She explained how her activities, after the last meeting of the Presidency Committee, developed around some essential points, which were: the participation in the meetings of Regional Groups; relationships to associations which had arrears in the payment of their annual fees; the support for the Association of Senegal for its candidature for the organization of the Congress of 2010.

On the first point Mrs. Diakité explained that she had travelled to San Salvador (El Salvador) to participate in the Annual meeting of the Ibéro-American Group which was held in that city. It was an enriching experience as she learned better the legal experience of the Countries of this group. The President, on the other hand, regretted not having been able to participate in the meeting of the European Group in Cracow, taking into account the proximity of the dates and her professional charges in Abidjan.

Mrs. Diakité stressed that during the meeting of the African Group in Algiers, Mr. Bâ, President of the Union of the Senegalese Judges, had expressed the wish of his association to organize the meeting of the IAJ for the year 2010. Taking into account the fact that the steering Committee of that Association is a body which does not have yet a large experience of the meeting of the IAJ, she committed herself to stay in contact with them for the preparation of their candidature. Within this framework, she had several written exchanges and telephone calls with the colleagues of Senegal to guide them in the preparation of their candidature. She announced that if the candidature of Senegal is approved by the Central Council, she will travel to Dakar to ensure that the Congress is successful.

Finally Mrs. Diakité said that in Egypt there was the election of a new steering committee of the Association. She informed the Group to have sent to Egyptian Association - by the means of the ambassador of Egypt to Ivory Coast - a message prepared by the General secretary aiming at contacting the new President of this Association, who wished to re-establish contacts with the IAJ. Since May, Mrs. Diakité had not yet received any correspondence from the Egyptian colleagues.

With regard to Tanzania, the President stressed that Mrs. Louise Mailhot, during a mission at the International Penal Court for Rwanda, could meet several Tanzanian judges, members of the Association, who expressed their wish to re-establish the contacts with the IAJ. She hoped that these contacts could develop.

The President informed that Guinea Conakry had an application for membership in progress. She added that the local Association fought against the military government of the Country and the Head of the State had been convinced to dissolve the body which he had set up to manage problems of justice. She invited the member associations of the Group to support the Guinean colleagues who showed courage.

The President also announced that, during the past holidays, in the occasion of her visit in Brazil, with a delegation of 30 people of the Ivory Coast, following a correspondence with Mr. Beneti, Brazilian association took care of them, by organizing their stay. That (It) was an expression of solidarity and friendship between the judges in the true tradition of the IAJ.

Mrs. Fatoumata Diakité gave then the floor to Mr. Denecker, who is the principal rapporteur with regard to the application for membership of Gabon.

Mr. Denecker informed the Group that he had been appointed as rapporteur for the application for membership of Gabon. He recalled that he wrote several times to the Gabonese colleagues to ask them to fix a date in order to go to Libreville, but the colleagues did not answer. He could not thus say if the association of Gabon took a real interest in becoming member of the International Association of Judges.

Mrs. Diakité gave then the floor to Mr. Carette, a Belgian judge.

Mr. Carette thanked the Group for the reception. He informed the delegates that he is retired and that, in Antwerp, during his spare time, he had many conversations with African people, in the aim of an cultural exchange.

### 3. Situation of the Group's member associations :

The President gave the floor to the delegates of the various associations in attendance, by inviting them to specify if there were any changes to the situation since the last meeting in Algiers.

The representative of Morocco thanked all the delegates for their presence. He wished that all the efforts could be made in order to reinforce the African Group.

Mr. Musi, for South Africa, affirmed that there were no comments to make after Algiers, except that a new Chief Justice was appointed and that Mr. Dosio will be President of the Association until the next year.

With regard to Algeria, Mr. Djamel AIDOUNI thanked the Moroccan colleagues for the warm reception and all the colleagues in attendance in Algiers. He informed that the association was preparing the specific general assembly, which will take place in the end of November. He stressed that there was nothing to announce after the meeting of the Group in Algeria.

A representative of the Ivory Coast took the floor to thank Moroccan Association for the perfect organization of the meeting. He said that there was nothing to announce after Algiers

Mr. Touré, on behalf of the Association of Mali, took the floor to thank the Moroccan association of judges for the warm reception. He hoped that the African Group, the Ibéro-American Group and the European Group would support the candidature of Senegal.

With regard to the Association of Mali, he informed that there were no problems and that an elective congress has been scheduled for the end of November. He added that he had been appointed as rapporteur for the application for membership of Guinea to the International Association of judges. He recalled that the report was sent to the Secretary- General, underlined the courage of the colleagues of this country and hoped that the application could be examined in Senegal.

The colleague of Niger took the floor to thank the Moroccan Association for the organization of the meeting and hospitality. With regard to the situation of its association, he evoked the situation of tension between the President of the Republic and the Constitutional Court of the Country, following an attempt by the President to change the Constitution, which currently does not allow him to run for a third mandate. The Constitutional court was dissolved by the President. There was a referendum on the constitutional reform requested by the President and the situation was becoming stable, since the implementation of the new Constitution. In spite of the fact that the executive power wanted to impose a certain vision of justice, the association went well.

The President of the Association of Senegal thanked the Association of Morocco for the warm hospitality and thanked also Algerian Association for the marvellous meeting in Algiers. He still thanked Mrs. Diakité for her efforts that she has continually made for the Group. He added that the Association went well; the new members of the steering committee were recently elected on a completely democratic way. The financial position was regulated with the Secretary General. With regard to the candidature to organize the annual meeting of 2010 of the IAJ, he stressed that its country was stable, accessible and had experience with holding international meetings. The authorities gave their authorization and the President of the Republic promised his support. He asked the support of the members of the African Group in order to organize the 53rd meeting of the IAJ.

Mrs. Diakité stressed that the association of Senegal had selected three hotels. A new hotel, the Meridian line, was selected to receive the congress. The other hotels are at the seaside. The period chosen is from 7 to 11 November. Dakar has many flights connections with the other countries of the world. The President will remain in permanent contact with the association and will go to the site if the candidature is retained by the Central Council.

A representative of Tunisia took the floor to thank Moroccan Association for the excellent organization of the meeting. She thanked also the Algerian colleagues for the cordial reception in Algiers in June 2009. She ensured the support of her association to the candidature of Senegal. With regard to the activity of the association, she stressed that in December, during the ordinary congress, there was the election of a new steering committee. Mr. Adnen Heni was elected new President. As regards the activity on the international plan, the Association tied relationship with the Club of Madrid, as well as with lawyers coming from other countries such as China. There was also a meeting with a Commission of the French Administrative Courts. She stressed that the administrative judges were members of Tunisian Association. Very recently there was a decree which stated the improvement of the work conditions and the increase of the salary of judges.

The colleague of Benin stressed that after a moment of tension with the executive power the situation of its association has been improving.

Mrs. Diakité informed the Group that the colleagues of Congo were coming to the meeting.

Finally the First Vice-president informed the Group on the problem concerning Togo. Indeed Mr. Assouma had informed the African Group at his meeting in Algiers of the election of a new steering committee, by adding that he would remain in contact with the IAJ. She had had thereafter several contacts with Mr. Assouma, but recently he had informed her that he did not recognize the new steering committee as legitimate representative of the Association of Togo. She had then asked to him whether he had attacked in justice the new office and the answer had been negative. Mrs. Diakité finished her intervention by stressing that she hoped that a solution could be found within the Togolese Association.

#### 4. Financial situation of the Group.

Mrs. Diakité presented the financial position of the African Group. She stressed the importance of the transparency in the management of the funds which are at the disposal of the Group. She added on this subject that the Secretariat General secretary, each year, puts at the disposal of the Group the sum of 3000 euros. She recalled that the Presidency Committee authorized the Vice-presidents, who are Presidents of the Regional Groups, to put at the charge of the budget of each Group travelling expenses for their participation in the meetings of the Presidency Committee in Rome. For this reason the budget provided the refunding of the expenses concerning her travel to Rome, in April, to take part in the Presidency Committee. The President made circulate among the delegates a document on this subject prepared by the Secretary General; from which resulted the availability at October 5, 2009 of 10082,08 euros.

With regard to the situation of the contributions, the President informed, then, that there was a certain number of associations of the Group which were in arrears with the payment of their contributions. She invited the delegates who were interested to regulate their situation.

#### 5. Choice of the venue and of the theme of the next meeting of the Group.

The President pointed out that in Algiers the Group had required to the colleagues of Benin if they could be interested in the organization of the meeting of the African Group for the year 2010. The judges of Benign had taken time to check the availability of the budget. She gave the floor to the members of the Association of Benin to have news on this subject.

A colleague of Benin stressed that its association had conversations with the Government, which accepted the proposal. The Minister of Justice had already suggested the steps to be undertaken and announced his support. Unfortunately the judges of the association did not have opportunity to discuss the situation with the President of the Republic. The preparations had already started and the judges of Benin committed themselves to receive the meeting in Cotonou. Regarding the date of the meeting, the delegate of Benin envisaged to fix it after the mutual agreement with the President of the Group and the Secretariat

General, by considering the dates scheduled for the other meetings of the Regional Groups and the Presidency Committee.

The President invited also the Association of Benin to present proposals with regard to the theme to be treated, according to the specific interests which its country could have.

Mrs. Diakité affirmed then that she would await the Association of Benin in order to send to her by e-mail two or three topics, in order to communicate them to other associations so to choose the theme of the meeting. She added that the date of the meeting could be fixed in the periodo from May to July 15.

Mrs. Diakité gave the floor to the colleague of Congo to inform the Group on the situation of his association.

Mr. Lusaka said that Congolese justice was in delinquency because of the political decisions of the two last years, which put in danger the independence of the judges. More than 250 magistrates were forced into retirement without care or revoked without consideration of the procedures envisaged by the texts. There were also decisions of assignment of the judges in violation of the principle of the irremovability provided as well by the Constitution as by the Statute of the judges. He hoped, with the assistance of the international organizations, that the public authorities will understand that it was necessary that justice could be really independent.

Mrs. Diakité invited the association of Congo to remain in contact with the IAJ and to send to the Secretariat-General all the news concerning its situation. She pointed out the situation of other countries, like Niger, which had known very difficult periods, but which found solutions, thanks also to the intermediation of the Group.

#### 6. Miscellaneous.

The President stressed the importance of the documents, provided to delegates by the Moroccan colleagues, in which there were all the information concerning the organization of the congress.

The meeting was closed at 13h00.

The Deputy Secretary-General  
Raffaele Gargiulo

The President  
Fatoumata Diakite