

INTERNATIONAL ASSOCIATION OF JUDGES

Minutes of the meeting of the Central Council in
Berlin, Federal Republic of Germany, on August 22 and
24, 1988.

Session of August 22

Present: Mr.Bröhl, Mr.Kaufmann, and Mr.Saied, Honorary Presidents; the President, Mr.Walsh; the First Vice-President, Mr.Woratsch; the Vice-Presidents Mr.Christiansen, Mr.Sa'Nogueira, and Mr.Voss; the Secretary General, Mr.Longo, and the Deputy Secretary General, Mr.Meriggiola, both assisted by Mrs.Ericsson-Lindeblad, Mr.Bonomo, and Mr.Salazar.

The following delegates represented their respective national associations:

AUSTRIA	Mr.Woratsch
BELGIUM	Mr.Joaquim and Mr.Van Gerven
BRASIL	Mr.Davis and Mr.Silva
DENMARK	Mr.Larsen and Mr.Warring
FINLAND	Mr.Aarola and Mr.Kiuru
FRANCE	Mr.Gomez and Mr.Joubrel
GERMANY	Mr.Pelz and Mr.Voss
ICELAND	Mr.Björnsson and Mr.Sigurdsson
IRELAND	Mr.Hederman and Mr.Walsh
ITALY	Mr.Brancaccio and Mr.Martone
IVORY COAST	Mr.Kablan
JAPAN	Mr.Yonezawa
LIECHTENSTEIN	Mr.Fehr and Mr.Stotter
LUXEMBURG	Mr.Penning and Mr.Reuter
MOROCCO	Mr.Daoudi
NETHERLANDS	Mr.Manschot and Mr.Van Raalte
NORWAY	Mr.Christiansen
PORTUGAL	Mr.Payan Texeira Martin and Mr.Sa'Nogueira
SENEGAL	Mr.Barane Thiam
SPAIN	Mr.Gabaldon-Lopez and Mr.Galan
SWEDEN	Mr.Lenter and Mr.Palm
SWITZERLAND	Mr.Abravanel and Mr.Zeli
TUNISIA	Mr.Benabdelghaffar and Mr.Saied
UNITED KINGDOM	Mr.Douglas Hughes and Sir Basil Kelly
URUGUAY	Mr.Gutierrez

Mr.Agius, Judge of the Constitutional Court of Malta, and representative of the Maltese judges; Mr.Kassoff, Presiding Justice of the Appellate Term of the Supreme Court of New York State, and representative of the IAJ at the United Nations; Mr.Lugakingira, Justice of the Supreme Court of Tanzania and representative of the Association of Judges of the same country; and Mrs.Mailhot, Justice of the Court of Appeals of Québec and delegate of the National Conference of Judges of Canada, were also present as observers.

The session was opened at 11.30 a.m.. The President welcomed all the participants, and said he was particularly happy to see them all gathered in such a number once again, thanks to the gracious hospitality of the Association of German Judges. He therefore, on behalf of all delegates, expressed the deepest gratitude to the judges of the Deutscher Richterbund for having so generously organized the meeting in Berlin. He then warmly greeted Mr. Agius, Mr. Kassoff, Mr. Lugakingira, and Mrs. Mailhot. He thanked them for coming, and expressed the hope that the national groups of judges repr-

esented by them might be granted membership of the IAJ in the not so distant future. He then expressed to Mr. Kassoff his deep gratitude for acting as representative-observer of the IAJ at the United Nations, and said that through his good offices in New York the Association might thus make its voice heard.

Mr. Van Gerven took the floor in order to inform the Council that the "Association Syndicale des Magistrats Belges" sent him a letter mentioning facts and statements reported in the minutes of IAJ's meeting held in Dublin, and deploring the behaviour of some delegates. He wondered how some people not belonging to the IAJ could have obtained those minutes.

The President reserved dealing with the matter until he had seen the letter in question.

Mr. Sa'Nogueira then took the floor, and gave those present some information concerning the steps he was on the point of taking to organize in Macao a World Congress of Judges in 1989; in some weeks -- he said -- he might be in a position to give a definite confirmation; the Chinese authorities, interviewed as to the possibilities of a tourist-excursion of the Congress participants to the People's Republic of China, had shown deep interest.

The President then passed to the items listed in the agenda.

Approval of the minutes of the meeting held in Dublin in 1987.

The President invited the participants to submit their observations on the minutes sent by the Secretariate General to all member associations.

Having ascertained that nobody had any observation to make, the President declared them approved.

Appointment of two auditors responsible for examining the financial report.

The members of the Council unanimously resolved to empower Mr. Douglas-Hughes and Mr. Stotter to audit the financial report drawn by the Secretary General, and to submit their conclusions and proposals during the morning session of August 24.

Report of the President.

Mr. Walsh informed the Council that co-operation between the IAJ and the United Nations, specially with regard to the UN offices in Vienna and Rome, was becoming more and more close. The Secretary General of the Association was invited by U.N.S.D.R.I., the Rome Institute of the United Nations, to take part in a mission for a few days to Malta, with the purpose of studying the possibilities of carrying out some research projects of the Institute in that country. Shortly after such a mission, the UN office of Vienna asked IAJ's Secretary General to take part, as member of a committee of experts, in a meeting intended to prepare a study on the theme of the "Independence of the Judiciary", which would be dealt with by the next "UN Congress on Crime Prevention and Treatment of Offenders". Prior to such appointment, the Secretary General had been invited by UNSDRI to co-operate with the Institute to work out in Rome the "implementing procedures" of the principles on judicial independence.

Such a process of in-depth co-operation of the IAJ with the United Nations -- said the President -- would soon make remarkable progress

when a project for an international seminar which should be organized by the UNO with funds provided by Italy, will take place in Latin America; Mr.Longo was trying to have the IAJ admitted to participate in some way into the putting into effect such a project, which should be mainly entrusted to two UN Institutes: UNSDRI and ILANUD.

The President also informed the Council that, thanks to the hospitality of the Austrian Judges Association to which once again must be expressed the gratitude of the IAJ, the yearly meeting of the Presidency Committee took place on November 27 and 28, 1987, in St.Pölten, Austria.

Report of the Secretary General.

Mr.Longo briefly illustrated the financial report which had been previously circulated among all the members of the Council. He underlined the efforts intended to reduce expenditures. These tended to increase because of the constant increase of the cost of goods and services in general and of the mail service in particular. The new edition of the Statutes of the IAJ, which would be published -- said Mr.Longo -- in the following months, would involve an additional cost, although every effort will be made to reduce it to a minimum.

So far as the payment of the yearly contributions was concerned, the associations of Uruguay, Argentina and Morocco had sent them after the closing of the accounts. No news concerning the sending of its contribution had come from Greece, whose national association seemed to be facing some difficulties. The Ivory Coast association had sent its contribution for 1988, but without sending the one for 1987. The Senegalese association had resumed the payment of its contribution in 1988. The "Section Belge de l'UIM", as indicated in the report, sent only a sum corresponding to 13,792 Lire, but Mr. Van Gerven pointed out that the sending of such limited amount was the result of a clerical error, and that the balance due would have been sent as soon as possible. The association of Paraguay, after paying for 1987, informed that it would send the 1988 contribution soon. There was no news from the Lebanese association, so far.

On this point Mr.Walsh remarked that the Secretariat did not envisage any payment from that association, because of the political and economical difficulties of the Lebanon.

Mr.Longo concluded then his statement by shortly explaining the co-operative nature of the relationships of IAJ with UNO and its institutes, already mentioned by the President.

New applications for membership.

The President, having reminded the meeting that the delegation of Senegal and Mr.Voss had been charged with the task of studying the possibility of granting the application of the national association of judges of Tanzania, gave the floor to Mr.Voss.

Mr.Voss declared that, having carried out all necessary investigation, he was in a position to assure the Council that, according to the information gathered, the said association was such as to meet fully all the requirements provided for by the Statutes of the IAJ. From the information that he had obtained through the Ministry for Foreign Affairs of his country, and the German ambassador in Tanzania, he was able to gather that the activity of that association conforms to the principles of democracy and

independence proclaimed by the Statutes. Judges are not obliged to become members of the association, which is free from any political influence, and has about a thousand judges as members. The Constitution of Tanzania proclaims the independence of the judges, and points out that they are only subject to the rule of law. There is no other judges' association in the country, and the applicant association is member of the Judges' Association of the Commonwealth. Mr. Voss stated also that the Tanzanian judges can be dismissed only in the cases expressly provided for by the law.

Mr. Barane, Senegalese delegate, confirmed what had been stated by Mr. Voss, agreeing with him as to the integrity of the Tanzanian association. He added that after a debate the board of his association asked him to make a statement in favour of the granting of the IAJ membership. Moreover, he wished to inform the Council that the Tanzanian association was also a member of the African Academy of Law.

Mr. Lugakingira, also on behalf of his association, expressed the deepest gratitude for having been invited to attend the meeting. He underlined that a thousand out of the one thousand and one hundred judges of his country are members of the association, although no law obliges them to join. The aim of the association is to safeguard the independence of the judges, which are subject only to the rule of law; the association has no political or trade-union character, but purports to co-operate in common efforts aimed at finding a solution to the numerous problems involved by social and economic development in his country.

He added that there was only one case of dismissal of a judge, and this had occurred only subsequent to an ascertainment of culpability, by a judicial authority.

Mr. Lugakingira concluded his statement by reconfirming, on behalf of the Tanzanian association, the application for IAJ's membership.

At the request of Mr. Gomez, he pointed out that the Supreme Court and the Courts of Appeals in Tanzania encompass 5 and 25 judges respectively, and the courts below encompass more than 1,000 judges.

The President stated that he also had received favourable information concerning the adherence of the association in question to the conditions required by art. 3 of the by-laws, and art. 11 of the regulations of the IAJ; such information had caused him to invite a representative of the Tanzanian association to take part as an observer at the Berlin meeting.

He then gave the floor to Mr. Agius, who stated that the independence of the judiciary of Malta is safeguarded by the Constitution and by the right of individual petition to the European Court of Human Rights. According to the Constitution the judges remain in charge "quamdiu se bene gesserint" and can be dismissed only in case of obvious incompetence or bad behaviour. Judicial salaries and pensions are established by the law, which states that they can in no way be reduced and that a judicial post cannot be suppressed without the consent of the judge holding it. The law, moreover, regulates the functions of the Constitutional Court with a series of safeguards. The Maltese judges are appointed by the President of the Republic. Their appointment is proposed by the Prime Minister; they are chosen among lawyers having been members of the Bar for at least twelve years. The population of the Republic of Malta is of 345,000 persons, and its judiciary totals twelve judges in the Superior Courts and eleven magistrates in the other courts. The Maltese

system is modeled on the English judicial organization. Judges cannot practice other professions, with the exception of that of University professor.

The Maltese association, said Mr. Agius, should its application be granted by the Council, would take the name of "Maltese Section of IAJ"; it has no statutes of its own, but conforms to the principles proclaimed by the IAJ's statutes. The 23 members of the Maltese association meet periodically in plenary session in order to debate and resolve on problems of interest to the judiciary.

The President then gave the floor to Mrs. Mailhot, who thanked the IAJ for having invited the Canadian Judges Conference to send an observer to Berlin. The Council of that Conference already prepared a report concerning its future relationship with IAJ, and such report expressed the wish to adhere to the International Association. At its last meeting the Conference had reconfirmed such wish, thus evidencing the deep interest of its members vis-à-vis the activities of the IAJ.

Mr. Kassoff likewise expressed his gratitude for having been invited to take part as an observer in the Berlin meeting. He then stated that in the United States there is no national association of judges, but there exists a judicial section of the American Bar Association, encompassing among its members a number of judges. Some groups from different States of USA might perhaps start contacts possibly with a view to create an independent association which eventually would apply for IAJ membership.

The four observers then withdrew from the meeting. The Central Council, after a short debate, unanimously resolved to grant to both the Tanzanian association and the association of Malta IAJ membership. The respective delegates, as well as the other two observers, were then asked to rejoin the members of the Council.

The President informed the two delegates of the resolution adopted by the Council and congratulated them, expressing the wish for a fruitful and long lasting co-operation.

In response to the President the First Vice President Woratsch informed the audience that during a recent international meeting in which he took part, some Hungarian colleagues had shown deep interest in the IAJ and its activities; they had told him that in their country there exists an association of "jurists", encompassing many judges. Some of those colleagues had explicitly expressed to him their wish to organize an association. In establishing some relationship with the Hungarian association, in his opinion, the way could be opened towards the judiciaries of Eastern Europe. The Austrian association proposes to watch the course of the possible evolution of the Hungarian association, and then to report to the Central Council.

Mr. Christiansen then took the floor. He informed the Council of his contacts with some judges of Zambia who had shown their interest in the IAJ and their intention to explore the possibility of joining, as there exists in that country a national association, whose membership is open to all judges wishing to join.

The Finnish delegation also confirmed such an interest expressed by the judges of Zambia in a recent meeting.

Mr. Abrevanel informed the Council that he had, on several occasions, some contacts with individual judges of New Zealand, to whom he had explained the organization and the activities of the IAJ.

In commenting on the statements of the delegates who had spoken on

the subject, Mr. Walsh underlined the importance of contacts and relations with some representatives of other national associations, which might in the future result in their joining the IAJ.

The session was adjourned at 1.15 p.m..

Morning Session of August 24

The session started at 11.30 a.m.. Those participating were the same delegations which were present at the previous session, with the exception of the following changes; the Danish association was represented by Mr. Nielsen and Mr. Warring. Mr. Agius and Mr. Lugakiringa participated in their new capacity as representatives of the Maltese association and of the Tanzanian association respectively, now full members of the IAJ. Mrs. Gauna and Mrs. Beiro were also present as delegates of the association of Argentina. The Spanish association was represented by Mr. Galan alone.

Mr. Walsh drew the attention of the Council to the memorandum that he had prepared and circulated, containing a series of observations relating to the debate, opened at the meeting of Dublin, concerning the proposal to create an organ charged with the relationship of the IAJ with other international organizations, and in particular with the Council of Europe and the European Communities, so far as the administration of justice, the judges, and judicial action in general were concerned. He reminded that a report drawn up by Mr. Manschot with the co-operation of Mr. Voss had been also circulated to all the participants. Such report made reference and constituted a follow-up to the discussions which had taken place on the occasion of the meeting of the Presidency Committee held in St. Pölten on November 28, 1987, on the question of creating, within the IAJ, a European group charged with the task of actively participating in the work and initiatives of the Council of Europe and of the European Communities.

When invited by the President, Mr. Voss explained that report, and underlined the advisability of the IAJ participating in the sittings of the Committees of Experts meeting at the Council of Europe in Strasbourg, and also, possibly, participating in Commissions exercising in Brussels and Luxemburg consultative functions with some decision-making organs of the European Communities. Particular attention should be devoted to the law-making functions of the Communities, which resulted in European statutes and regulations. These will acquire a decisive importance in 1992, when the integration of the twelve member-countries will be reinforced. The new situations thus created, especially as far as they will concern the relationships between the different domestic judicial systems, will call for the study of some legal problems to whose solution the judges should not remain either indifferent or strangers. The proposed group should directly stem from the IAJ's organization, and comprise judges designated by the Central Council, who would still act in conformity with the aims of the Statutes of the IAJ. Other groups of that kind could be created as far as extra-European continents are concerned, in order to contribute to the solution of mainly regional problems. In this way -- Mr. Voss concluded -- the IAJ could be in a position to perform an action of the utmost importance, and at the same time exercise a world-wide influence in the domain of the administration of justice.

The President expressed his appreciation for the report drawn up by Mr. Manschot with the co-operation of Mr. Voss, as well as for the exposé made by the latter. He thanked them, although recommending that the subject be examined more in depth, and in the light of his own memorandum and of the provisions of the Statutes of the IAJ.

He went on to announce that at the St. Pölten meeting it had been resolved to suggest no amendments of the current rules concerning the yearly contributions of the member associations. As in the past, any particular cases of hardship would be examined if and when they occur, it being understood that to every possible extent some alleviating measures would be taken vis-a-vis the associations temporarily facing some difficulties as far as the payment of their contributions was concerned.

At the request of Mr. Abravanel, Mr. Walsh pointed out that in his opinion all reductions or remissions of the contribution should be granted by the President, subject to validation by the Central Council, because a question of general interest could be involved.

The Senegalese delegation suggested that a further category of contribution should be added to the three existing ones, thus providing for a fourth, smaller membership-fee.

The President stated that if any associations should face temporary financial difficulties, it could be assumed that they could enjoy a reduction or a remission for a limited time (i.e., so long as the difficulty might last), which should be granted without necessity of having recourse to creating new categories of contributions. This had been the criterion adopted by the Presidency Committee at St. Pölten.

The President then reminded the meeting that the Council had examined in the past the possibility of making investigations into the violations of judicial independence in Chile and in Burkina Faso, as reported by the international press. With regard to Burkina Faso, unfortunately no information could be obtained. As far as Chile was concerned, Mr. Walsh expressed his hope that some more recent and precise information might come from some judges' associations of Latin America, as well as from other international organizations dealing with the protection of human rights. After receiving such information, the Presidency Committee might examine the problem of what measures should be adopted.

With regard to the letter sent to the "Section Belge de l'UIM" by the "Association Syndicale des Magistrats" of Belgium, Mr. Walsh, having had the opportunity of reading the letter, expressed the opinion that no answer should be given because the discussions had been made within the Central Council, and nobody who is not a member has the right to interfere. The President recommended, however, that all member associations not to divulge outside the IAJ the minutes of the Central Council, because they are documents restricted and reserved to the members.

Mr. Walsh added that in one of its next meetings, the Central Council might examine the problem of the duration of the functions of the President and of the Vice-Presidents, which, according to the opinion expressed by some delegates, might last three instead of two years.

Mr. Christiansen expressed the opinion that before opening the discussion on such point it would have been necessary to start from precise proposals, permitting clarification of the ideas in advance and better acquaintance with the problems involved.

Mr. Manschot suggested that the Presidency Committee might examine the question and submit its conclusions, perhaps formulating some proposals, in due time before the next meeting of the Council.

Mr. Sa'Nogueira recommended that every remark or suggestion on the subject at issue should be brought to the knowledge of the member associations with a sufficient advance notice permitting their boards to study them and to express their opinion on the point.

The President assured him that this would be the task of the Secretariat General which would give all member associations a sufficient advance notice in order for them to adopt a definite position on the matter at the next meeting of the Central Council.

Report of the auditors responsible for examining the financial statement.

Mr. Douglas-Hughes, also on behalf of Mr. Stotter, declared his satisfaction vis-à-vis the correct and economical utilization of the financial resources of the IAJ. The financial report of the Secretariat in his opinion indicated a sound administration of the funds and a constant effort intended to limit the expenditure. He expressed his hope that the United Nations might one day give the IAJ some financial support when the desired co-operation will become a reality. He concluded by saying that Mr. Longo did, as ever, a good job, and that all expenditure had been punctiliously vouched. Their examination had shown, moreover, a remarkable number of good results achieved.

Mr. Stotter pointed out that, because of the limited time available, the auditing had been a summary one, and that the auditors should perhaps devote at least half a day to a more in-depth examination of the documents.

Asked to express its opinion on the balance-sheet 1987-1988, the Council unanimously approved it and applauded the Secretary General.

Relationships with other international organizations.

Mr. Longo reported that at the request and at the expense of the United Nations he had taken part in some meetings organized in Austria by the UN offices of Vienna in order to prepare the next Congress of the United Nations on Crime prevention and Treatment of Offenders. A committee of experts of the UN, in which for the first time the Secretariat General had been invited to participate, had completed the drawing up of a project of "implementing procedures" for the "basic principles on the independence of judges", which had been already approved by the UN General Assembly last year. That Assembly, as unanimously recommended by the Milan Congress of 1985, proposed to assure that the basic principles on the independence of the judges be actually applied, and to this end all governments will be asked to send to the UN Secretary General periodic reports on their domestic legislation on the subject, as well as on the actual application of the principles.

Mr. Longo said that at the meeting of the UN expert-committee he had insistently asked to insert in the project a provision attributing also to the non-governmental organizations with consultative status with the UNO (and consequently also to the IAJ) the task of reporting to the Secretary General of the United Nations any case of infringement of or failure to apply the basic principles on the independence of judges. Finally such provision had been inserted in the project.

Then Mr. Meriggiola informed the meeting that he regularly had taken part at Strasbourg in the three meetings held annually by the representatives of the non-governmental organizations in consultative status with the Council of Europe.

During the meeting of October 2, 1987, he had presented a draft motion on the subject of the right of asylum of the refugees in the member-states of the Council of Europe; such project had been accompanied by an explanatory report drawn up with the consent and advice of the President Mr. Walsh. Mr. Meriggiola pointed out that the text of the project was sent out to all member associations, invited to make known their possible remarks.

At the subsequent NGO meeting, held on May 1988, the draft approved by the assembly of their representatives, had been transmitted to the appropriate commission of the Parliamentary Assembly together with another draft motion, and with a draft of a new additional protocol to the European Convention on Human Rights, presented by the "European Consultation for Refugees and Exiles". The drafts were accompanied by documents containing considerations set forth by some non-governmental organizations.

Mr. Warring expressed the opinion that the subject-matters to be discussed at Strasbourg should be brought to the knowledge of the member associations with a sufficient advance notice, to allow them to make their possible proposals or submit any considerations, specially when some themes of remarkable and general importance are in issue, such as the question of refugees, which had long been in Denmark the subject of public debates, even from the legal aspect. Undoubtedly, the availability of a longer period of time would result in a more active participation.

Mr. Meriggiola explained at this point that the Directorate of Human Rights in Strasbourg sends him the agenda of the meetings, on the average, only fifteen days in advance, so that there is no sufficient time available for appropriate and easy communications with the member associations.

Mr. Voss then remarked that if that was the situation, the member associations would never be in a position to make their opinion heard. Consequently, it would have been better for the Secretariat to express no advice at those meetings. Anyway, in his opinion, the point deserved a very attentive examination by the Central Council. He reminded also that the German association, in replying to the circular inviting the members to send to the Secretariat their comments on the problem of the refugees, had sent a series of remarks and suggestions, but never had been informed on their follow-up.

Mr. Meriggiola answered that, as already pointed out, the draft of the motion and the documents accompanying it had been transmitted by the Directorate of Human Rights to the appropriate Parliamentary Commission immediately after the meeting of May, and no news had been subsequently given to any interested organizations on the possible determinations of such Commission.

Mr. Walsh added that it was not desirable to envisage a permanent abstention of the IAJ in the deliberations of the Assembly of the non-governmental organizations, because otherwise it would be useless to participate. Consequently, lacking anything better, it would be advisable to ask the advice of the Presidency Committee in every urgent case, at least with regard to resolutions of major importance.

Mr. Brancaccio expressed the opinion that every position to be adopted

in the Assembly of NGO should have been previously discussed in the Central Council or in the Presidency Committee. He suggested however to have recourse to the participation of a representative of the IAJ in the capacity as observer, in case there was no time available to determine IAJ's position, and in the capacity as full delegate in the opposite case.

Mr.Stotter, who regularly took part in the periodic sittings of a study commission in Strasbourg, declared that the documents had been always sent him one month before the sittings.

Mr.Meriggiola pointed then out that he could reconfirm the statement of Mr.Stotter as far as the study commissions were concerned. Mr.Meriggiola himself had been a member of one such commission in Strasbourg for eight years. But the procedures were totally otherwise as far as the agenda of the NGO Assembly was concerned, such documents having never reached him more than twenty days in advance.

The session was adjourned at 1.15 p.m..

Afternoon Session of August 24

The session was opened at 2.30 p.m.. Present were all those delegates who had taken part in the morning session.

At the request of the President, Mr.Kassoff informed the Council that he had participated in his capacity as observer of the IAJ in several sittings of various commissions of the UNO. He wondered then whether the Council might deem it convenient to examine the problem of entrusting him with an official mandate by appointing him as a representative, even if only for some particular and precisely defined problems, such as, for instance, the problem of the rights of the accused, or the problem of the treatment of the human person in the criminal proceedings, which should have been dealt with in a not so distant future. In his opinion, moreover, it would have been desirable, whenever it might be the case, to offer the possible advice of the IAJ to the UN commissions dealing with some problems regarding human rights or justice. He underlined that his office may avail itself of a telefax machine, which might facilitate his communications with the Association.

Mr.Walsh thanked Mr.Kassoff for his activity on behalf of the IAJ, and invited the delegates to express their opinion on the suggestions made by Mr.Kassoff.

After short discussion, the Council gave unanimous approval to the action carried out by Mr.Kassoff, and in expressing to him its deep gratitude for his co-operation, reconfirmed him as representing in the capacity as observer the IAJ every time his attendance at a UN commission in New York might be deemed necessary, and then reporting to the Secretariat General as soon as possible. If so asked by the President, to whom he should give sufficient advance notice of the importance of the case, he will also express on such occasions, as the case may require, the advice or position of the IAJ.

Mr.Walsh then informed the audience that the application filed with the Council of Europe by the "Association Européenne des Juges pour la Démocratie et la Liberté", having its headquarters in Belgium, aimed at being granted consultative status, did not obtain the necessary majority in the Committee of Ministers and therefore failed.

Celebration of the 40th anniversary of the Universal Declaration of the Human Rights.

The President reminded the 40th anniversary of the Universal Declaration of Human Rights, falling in 1989.

Mr. Gomez added that in that year his country will also celebrate the bicentennial of the Human Rights Declaration of 1789. He suggested that the President send to the UN Secretariat a telegram assuring the full adhesion of the IAJ to the celebrations which already had been initiated, as well as to those which should take place in 1989.

Report on the preparations of the Macao Congress. Meetings of the IAJ in the subsequent years.

With regard to the congress which it was planned should take place in Macao in 1989, Mr. Sa'Nogueira, following what he had mentioned at the beginning of the session of August 22, informed the Council of the negotiations started with the Ministry of Justice in order to solve some financial problems involved. An organizing committee, already constituted, was ready to start carrying out the project already programmed last year, if and as soon as the financing is assured; a communication on such possibility would be given to him in the not so distant future. At that moment -- he concluded --, i.e. in some weeks, he would be in a position to give definite answers.

The President then gave the floor to Mr. Aarola, who informed the audience that the Finnish association, with the co-operation of the competent authorities of his country, was about to complete the preparations for organizing the meeting of the Central Council and of the Study Commissions, which would take place probably at Helsinki, in August 1990.

Considering that for the time being no certain prediction could be made for the 1989 meeting, Mr. Longo informed the Council that he would try possibly to find an alternative meeting place in Italy, as it was the case in 1986 in Rome and Perugia.

Mr. Agius then took the floor to inform the audience that he was willing to suggest to his Maltese colleagues and to the Ministry of Justice of his country to take into consideration the possibility of organizing the 1989 meeting in Malta, if necessary. He will inform the Secretariat as soon as he will have known their reactions.

Finally, Mr. Daoudi said that he had interviewed the Ministry of Justice of his country with regard to the possibilities of organizing there a meeting of the Central Council and of the Study Commissions, and that he obtained some promises and the assurance that a determination would have been adopted before the end of the current year.

Election of the President, of the Vice-Presidents, of the Secretary General, and of two Deputy Secretaries General.

Mr. Voss proposed the election, as new President, of Mr. Woratsch, Justice of the Court of Appeals of Vienna, who as First Vice-President of the IAJ had played a very active rôle for many years in favour of the Association, and had also been charged with the functions of IAJ's representative at the UN headquarters in that town.

All members of the Council expressed their agreement by applause. Mr. Walsh, adopting the unanimous opinion of the Council, declared Mr. Woratsch to be the new President. He warmly congratulated him, and expressed to him his best wishes for his work in that office.

The Council proceeded then with the election of the Vice-Presidents and, unanimously, re-elected as Vice-Presidents Mr. Sa'Nogueira, Mr. Voss, and Mr. Christiansen, this latter being appointed First Vice-President; as new Vice-Presidents the Council elected unanimously Mr. Abravanel and Mr. Benabdelghaffar. Mr. Davis, whose candidature had been presented by the Brazilian delegation, before the vote had declared that he preferred not to be a candidate this time.

Again by unanimity the Council confirmed Mr. Longo and Mr. Meriggiola respectively Secretary General and Deputy Secretary General; following a proposal of Mr. Martone, the Council also elected as Deputy Secretary General Mr. Bonomo, Judge of the Tribunal of Rome, and soon to become judge attached to the Supreme Court of Cassation of Italy.

The President favourably commented on the election of Mr. Bonomo as the appointment of a second Deputy Secretary General was made necessary by a predictable increase of work in the Secretariat as a consequence of more intensified relationships with the Council of Europe and possibly with the European Communities.

Following the proposal of the Italian delegation, Mr. Walsh was appointed by acclamation Honorary President. He thanked the members of the Council and assured that he would continue to work for the IAJ, and to participate in its meetings, every time his commitments would allow him to do so.

His words were hailed by warm and prolonged applause.

Reports of the Presidents of the Study Commissions, and selection of the themes for 1989.

The President gave the floor successively to Mr. Krings, to Mr. Mossetto, and to Mr. Screvens, Presidents of the First, of the Second, and of the Third Study Commission respectively, who read the final conclusions of the study sessions held in Berlin.

No objection was raised concerning those conclusions. Then, after a short consultation, the members of the Council approved the new themes proposed by the Presidents for the First, the Second, and the Third Commission respectively:

- 1.- Responsibility of the Judge;
- 2.- Compulsory enforcement of judgments;
- 3.- Pre-trial detention: legal rules; their application; possible alternatives.

The delegates of the associations of Argentina, Brasil, Spain, and Uruguay proposed that Spanish should be adopted as official language of the IAJ.

Although recognizing the importance of such language, inter alia because of the number of judges members of the four associations mentioned above, Mr. Manschot suggested however not to underestimate the consequences of a possible acceptance of the proposal, and mainly the ensuing considerable increase in the costs for the IAJ.

Mr. Walsh expressed the view that the proposal was deserving an in-depth examination on the part of the member associations, whose delegates should be given special directions to deliberate and vote on such a point.

The Council shared the view of the President and resolved to put off the debate on the point until one of the next meetings.

Then, the subjects on the agenda having been exhausted, Mr. Woratsch took the floor in order to warmly thank on behalf of the whole Coun-

cil the Deutscher Richterbund for its hospitality and for the perfect organization of the meeting. He added that Berlin, and the sad vicissitudes of its population, would never be forgotten by the participants at the meeting. Thanks to their colleagues in Berlin, they had been able to share the hopes of its inhabitants, whose testimony would exhort them to commit themselves to the protection of independence and freedom, every time and at all places where these latter are jeopardized.

The whole audience applauded loudly, and the session was closed at 6 p.m..

The Past President

The President

The Secretary General

(Brian Walsh)

(Gunter Woratsch)

(Giovanni E. Longo)