

INTERNATIONAL ASSOCIATION OF JUDGES

Minutes of the meeting held by the Central Council
in Dublin, Ireland, on July 12 and 15, 1987.

Morning Session of July 12, 10:40 a.m.

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

The following delegates represented their respective national associations:

Argentina	Mrs.Beiro and Mrs.Gatzke de Gauna
Australia	Mr.Burchett and Mr.Macrossan
Austria	Mr.Woratsch
Belgium	Mrs.Bourgeois and Mr.Joachim
Brasil	Mr.de Miranda Rosa and Mr.Davis
Denmark	Mr.Warring and Mr.Nielsen
Finland	Mr.Aarola and Mr.Kiuru
France	Mr.Gomez and Mr.Leclercq
Germany	Mr.Voss and Mr.Lücke
Greece	Mr.Rammos and Mr.Stavropoulos
Ireland	Mr.Walsh and Mr.Barrington
Israel	Mr.Abdelrahman
Italy	Mr.Falcone and Mr.Vitari
Japan	Mr.Yasuo Tsuyuki
Liechtenstein	Mr.Rederer and Mr.Stotter
Luxemburg	Mr.Reuter and Mr.Penning
Morocco	Mr.Daoudi
Netherlands	Mr. Manschot and Mr. Van Raalte
Norway	Mr. Christiansen
Portugal	Mr. Sa' Nogueira and Mr.Tekeira Martins
Senegal	Mr. Sow and Mr. Sy
Spain	Mr. Gabaldon-Lopez and Mr. Galan
Sweden	Mr. Litzén and Mr. Palm
Switzerland	Mr. Abravanel and Mr. Balscheit
Tunisia	Mr. Saied and Mr.Benabdelghaffar
United Kingdom	Sir J.P. Warner and Mr.Douglas-Hughes

Mr. Kassoff, judge of the Supreme Court of the State of New York and IAJ's representative at the United Nations, and Mr. Nunn, judge of the Supreme Court of Nova Scotia and delegate of the Conference of the Canadian Judges, were also present, as observers.

The session was opened at 10.40 a.m.

The President welcomed all delegates and said he was particularly happy to see them all gathered together in Ireland.

However, he added that there were some empty places in the ranks of the Association, which casted a shadow on that pleasure, and which could hardly be filled. First of all he mentioned Mr. Leonardy, President of the Deutscher Richterbund, whose death was a great loss for the whole International Association. Mr. Walsh also expressed his deepest sympathy to the Israeli representative for the death of Mr. Wallach, and to the delegates of the United Kingdom for the death of Mrs. Spurgin. He remembered that she was a judge who committed herself deeply to the benefit of the IAJ within her national association, in which she had played for many years a most active rôle.

The Council shared the feelings of sympathy expressed by the President.

Then Mr. Walsh congratulated Mr. Voss. The President said he was glad that Mr. Voss had come to Dublin, even though he had recently undergone surgery.

The President welcomed Mr. Kassoff and Mr Nunn, also in the name of all the participants in the meeting. He pointed out with pleasure that it was the first time that a Canadian judge was taking part in a meeting of the IAJ, and expressed the wish that the Canadian Association (Conference of Canadian Judges), founded eight years before and having more than 100 members at that time, might join the IAJ, as planned. He thanked then Mr. Kassoff for his activity carried on at the U.N. as representative of the IAJ. There was no doubt that through him it would be possible to intensify IAJ's relations with the American Bar Association. Finally he rejoiced at the presence of the Greek and Argentine delegations, which was a tangible proof of the new vitality of their associations and of the solution of the serious difficulties of the previous years.

Mr. Kassoff and Mr. Nunn thanked the Council warmly for the friendly welcome. Mr. Kassoff added that many judges of the United States were much in favour of establishing closer relations with the European colleagues and their culture, which had always been considered an important landmark for their legal and political system. Mr. Kassoff and Mr. Nunn left then the room, while the whole assembly was applauding them.

The Council then began examining the items on the agenda.

Approval of the minutes of the meeting held in Rome in 1986

The President invited the participants to submit their possible comments and remarks on the minutes sent by the Secretariate General to all member associations.

Mr. Longo asked to correct in the French text and in the English version a clerical mistake incurrred in mentioning the closing of the session of October 3, at 6.45 p.m. instead of 12.45 p.m.

Having ascertained that nobody had any comments to make on the minutes of the meeting, 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 to the Council during the afternoon meeting of July 15.

The President's report

Mr. Walsh informed the audience that the Presidency Committee had held a meeting in Wiesbaden in February, thanks to the hospitality of the Deutscher Richterbund. On that occasion the Committee had discussed, inter alia, the proposal made by a group of members of that Richterbund to create an association of European judges, acting within the frame of the IAJ and with the aim of playing an active role in the life of the big international organizations like the Council of Europe and the European Communities, as well as with the aim of contributing to the solution of problems brought up by the process of European unification and harmonization in the legal field.

The proposal raised a lively and in-depth discussion, to be summarized for the benefit of the Council, when taking into consideration item n.6 of the agenda.

The President then thanked the Portuguese delegation for the invitation to take part in the congress organized by its association in Porto in June. He regretted not having been able to attend, owing to his commitments as a judge of the European Court of Human Rights. However, the IAJ had been represented on that occasion by the First Vice-President.

The President added that in 1987 the United States of America were celebrating the bicentenary of their Constitution, which had so much influence on the development of democracy in modern times. The IAJ would send a message of warm participation. Ireland too was going to celebrate the 50th year of its Constitution with some official events in which statesmen and jurists of the entire world would take part.

To the delegates of the Senegalese association, who brought the wishes of their President Mr. Ndiaye, absent because of some other commitments, Mr. Walsh finally expressed his hope to see again Mr. Ndiaye at the next meeting of the IAJ.

Report of the Secretary General

Mr. Longo summarized the financial report, which had been previously circulated among the delegates. He underlined first of all that the report covered only nine months, from September 11, 1986, to June 15, 1987.

As in the previous years the expenditure was kept within the limits of the income, in spite of the continuous increase in the cost of goods and services. But the forecast for the next balance-sheet was not as good, not only because it would relate to a longer period, but also because it should possibly cover the expense for a new edition of the statutes of the IAJ.

As far as the payment of the yearly contributions was concerned, the Uruguayan association had informed that the necessary sum had been sent, but it had not been received as yet. The Australian, the Finnish, and the Argentine associations had sent their contributions after the closing of the accounts. The Senegalese association, as assured by its delegation, would have sent soon its contribution for 1986 and 1987. The contributions of Ivory-Coast, Japan, Israel, and Paraguay were still to be cashed.

Report on new applications for membership

Mr. Longo informed the audience that he had a chance to meet the President of the Supreme Court of Tanzania in spring. Asked about the membership application submitted by the Judges' Association of his country to IAJ in 1986, said President answered that he knew nothing either about that initiative or about the invitation of IAJ intended to have a Tanzanian observer at the meeting in Dublin.

On the other hand, the Secretariate had no answer to such an invitation, sent according to a resolution adopted by the Central Council in October, 1986.

Mr. Voss took the floor, informing the audience that some of his colleagues had gone to Tanzania shortly before, and confirmed that there was only one national association of judges of Tanzania, with about one thousand members, of different tendencies. The association

had been formed on a voluntary basis, it did not carry on political activity and the rules governing the judicial organization assured to all judges impartiality and a full independence from the political power. Nobody could be deprived of his functions or submitted to a disciplinary proceeding except for malicious behaviour, as expressly foreseen by the law. On the other hand it seemed that the Tanzanian association joined an association of Commonwealth judges.

The source of this information had partially been the Ministry for Foreign Affairs, an office of which had reported such information to the German diplomats accredited to the Tanzanian Government.

After a short discussion the President confirmed the positive opinion expressed about the Tanzanian association, but came to the conclusion that under those circumstances it was advisable to postpone the decision about its application for admission to the IAJ.

The Senegalese delegation, even though in agreement with the remarks of the President, suggested still to ask for explanations about the reasons of the unexpected silence from the Tanzanian association.

Mr. Woratsch informed the Council that the judges of the Republic of Cape Verde were going to set up an association with the intention to apply for IAJ's membership. The President of the Supreme Court of that country, whom he met in Portugal, gave him the news adding that the existence and the activities of the IAJ were well known to the judges of the new State, who had all agreed about the initiative.

Possible constitution of a European group within the IAJ.

Going back to the proposal made by the Deutscher Richterbund, the President asked Mr. Meriggiola to give a short report of the discussion developed among the members of the Presidency Committee on the occasion of its previous meeting in Wiesbaden.

Mr. Meriggiola reported that at first Mr. Voss had explained the grounds and the aims of the project, which foresees a European association (or group). It was assumed that this association should act within the organization of the IAJ, but at the same time it would enjoy some independence in dealing with problems concerning only Europe and would commit itself to increasing the co-operation with the big European institutions and the United Nations branches in Europe. Mr. Voss underlined the fact that the German judges did not want to set up a centre of activity in opposition to the IAJ, but only a group of judges able to exert a certain influence on the solution of the main European problems, directly or indirectly concerning the judiciary and its functions. It was also a strategic move, which was necessary in order to avoid that other international associations could play in this field the role due to the IAJ, as representative of the interests of the large majority of the European judges.

Mr. Meriggiola went on saying that the President, even if he appreciated the reasons which had inspired that initiative, had nevertheless expressed the fear that the setting up of a new association could produce a centrifugal force capable of jeopardizing the unity of the IAJ. In his opinion it was better to set up a European group of associations which could be called "European section of the IAJ" or something similar, the executive agency of which would always be the Secretariate in Rome. In the same way the Central Council could give its consent, if asked, to setting up similar sections or regional groups, one for each continent.

Mr. Woratsch and Mr. Sa'Nogueira said they agreed, in principle, with the President's proposal.

Mr. Christiansen pointed out that the section or regional group could also be called "association" without raising any perplexity, but only if

it was absolutely clear that it would carry on its action within the scope of the organization of the IAJ. As far as the setting up of other regional groups was concerned, he could not see why the Council should not agree on that point.

After the end of Mr. Meriggiola's report, the President underlined the importance of the problem and invited the members of the Council to express their opinion on the matter.

He gave then the floor to Mr. Voss, who confirmed that his colleagues of the Deutscher Richterbund did not want to set up a separate association. It was only a matter of finding a solution that could make it possible to reach the desired result, as it had been explained to the Council. In fact there were already two international associations of judges in Western Europe, which had a rather small number of members and no chance to let their voice be heard within either the Europe of the 21 or the Europe of the 12. On the contrary, the IAJ represented thousands of judges and was in a position to contribute to the solution of the technical problems concerning Europe owing to the authority coming from the number of its members and to the esteem gained everywhere.

The President recognized it was possible that in the future other associations might claim to play the same rôle as that of the organization proposed by the German colleagues, and pointed out that the consultative status of the Council of Europe makes easier, "de facto", for the IAJ to carry on the functions mentioned by Mr. Voss.

In this connection Mr. Walsh reminded the audience that the European Association of Judges for Democracy and Freedom, the most recent European association of judges, had been set up in 1985 (it seemed that it had established its headquarters in Belgium and had a very limited number of supporters, among whom some Belgian, French, Dutch, and Spanish judges). In February 1986 that association asked to be granted the consultative status with the Council of Europe, and produced its by-laws stating, inter alia, that it pursued the aim of starting a debate among the judges of the European countries in order to reach the European integration and the setting up of a political union. The Secretary General of the Council had already expressed its advice in favour of the granting of the status; such advice was inserted in a document presented to the Committee of Ministers together with a dossier containing the necessary information. If in six months from the submission of the document nobody raised any objection, the consultative status would be automatically granted.

In such a situation, the President considered expedient to start as soon as possible an accurate scrutiny of the characters of the new association; therefore he intended to invite the Government of his country to ask a copy of the pertinent documents. At least this would avoid an automatic granting of the consultative status. In fact the Committee of Ministers of the Council of Europe by a resolution adopted in 1972 had stipulated that in six months one member of the Committee of Ministers or three members of the parliamentary assembly could ask to examine the dossier of the organization recommended by the Secretariat General of the Council. In the first case it was up to the Committee of Ministers to decide whether to grant the consultative status; in the second case, after a report of the competent commission the parliamentary assembly could address a recommendation to the Committee of Ministers, which would then take a final decision.

Mr. Gomez pointed out that the new association mentioned by the President grouped some judges who were politically engaged and determined to gain a wide acquaintanceship and to assert their political opinions. Therefore he was favourable to follow the proposal of the

German colleagues considering that the IAJ encompassed the vast majority of European judges without any distinction of political opinions. These two circumstances made the IAJ largely representative and worthy of taking part in the discussions of the big European organizations.

Mr. Joachim joined Mr. Gomez saying he was convinced that the IAJ was in a position to deploy in several cases an effective action. Therefore it was better to prevent the colleagues of the European Association of Judges for Democracy and Freedom, whose political aims were evident, from occupying a place which in the European context was to be reserved to IAJ.

Answering a question of Sir J.P. Warner, Mr. Voss explained that the new European group should be formed by the representatives of all European member-associations of the IAJ.

Mr. Sow, being concerned about the need to safeguard the unity of the IAJ, wondered what the Central Council intended to do about the associations of other continents, which could also be interested in forming regional groups or sections.

According to Mr. De Vreese the Central Council was facing two different problems: on one hand, the stand to be taken on the application for consultative status, submitted by the new association "for democracy and freedom"; on the other hand, the setting up of a European group or section of the IAJ. As far as the first point was concerned, the IAJ could do nothing to oppose the development of the above mentioned association, but it could and should draw the attention of the Council of Europe on the political character of that association, assess the number of its members, and ascertain whether it could on the whole be considered as representative. Eventually all these conditions could have an influence on the granting of the consultative status. As far as the second point was concerned, he declared himself in favour of an active rôle of the IAJ within the framework of the big international organizations, provided that the unity of the association was not jeopardized.

Mr. Sa' Nogueira and Mr. Gabaldon agreed with the favourable opinions expressed until then. The former proposed the setting up of a "European Branch" of the IAJ. The latter pointed out that there were in Spain at the moment three associations of judges: unlike the others, the one being member of the IAJ, and having by far the highest membership, did not carry on political activities. According to him the IAJ would be the ideal interlocutor of the two most important European institutions at the international level.

That was also the opinion of Mr. Manschot, who added that it could not come any danger of splitting from the adoption of the U.N. system, which foresees some regional sections carrying on their activity within the framework and following the main lines of the central organization. This system, which gave very good results from every point of view, should be taken as a model by the IAJ. Therefore he declared himself in favour of the setting up of a European section, which could be followed by other regional sections.

Mr. Warring, even if sharing in principle the German proposal, believed however that it was necessary to act carefully before reaching a decision. Mr. Voss, for instance, talked about the influence which could be exerted on the European institutions. In this connection, it was necessary to specify what that expression actually meant, and to explain exactly the aim that was pursued and its limits.

Mr. Bröhl objected also that the statutes did not foresee the creation of regional groups and, in his opinion, their setting up could not be included within the ordinary powers of the Central Council.

Mr. De Miranda-Rosa agreed with Mr. Bröhl, and added that the Central Council, after deciding on the question of principle, should amend the statutes in a way that they foresee the setting up of regional sections or groups, in order not to create discriminations among member-associations. It would be unfair actually to establish only a European section without considering that the associations of other Continents could feel the same need.

Mr. Kaufmann expressed the opinion that the problems arising from the discussion required a meeting of the Presidency Committee, open to the honorary Presidents, or the appointment of a small committee, charged with the task of studying the different aspects of the problem of creating regional sections or groups and finally asked to draw up a report containing its conclusions.

Mr. Saïed expressed the opinion that a decision should be taken with no delay, and regarding all association, not only the European ones. However, it was necessary to wonder where the regional the regional groups could find their financial resources, and how the Central Council or the Presidency Committee could control their activities. It was also necessary to study a system which "a priori" might avoid any danger of splitting and specify at the same time the relations between the groups and the main association. According to him the IAJ should not become the sum of regional associations. Even if everybody had at that moment the best intentions, it was possible that in the future some irremediable conflicts would break out. Therefore it was necessary to foresee every possibility, to be careful and united. At that moment the setting up of a small committee appeared to be the best solution.

The President ended the discussion recognizing that it was not possible to come to a decision during the session. It was the first time that the problem was submitted to the Central Council, whose members had not a chance to consult with their respective associations. He was in favour of the appointment of a small committee, which might examine the different aspects of the question, outlined in the previous statements of the various delegates, and draft a detailed report. This would be sent to the associations in time to allow them to give their delegates, in the next meeting of the Council, the necessary instructions. In any case he deemed convenient that the headquarters of the European regional group, if set up, were located in Rome at the Secretariate General, as a contribution to the safeguard of the unity that everybody wished to be preserved in the IAJ.

The session was adjourned at 1 p.m..

Session of July 15

The works started at 3:15 p.m. with the participation of the same representatives which were present at the previous session, with the exception of the Israeli and the Greek associations. In this session the former association was represented also by Mrs. Varda Alshek, the latter on the contrary was only represented by Mr. Stavropoulos. In addition to the honorary presidents who took part in the previous session, the honorary president Mr. Tillinger was also present in this session.

The President heartily congratulated Mr. Saïed on his appointment as First President of the Tunisian "Cour de Cassation", of which he had been informed during the meeting, and the whole audience warmly applauded. Mr. Saïed thanked the colleagues for the honour they paid to him.

Report of the auditors responsible for examining the financial statement

Mr. Douglas-Hughes stated that he had revised the documents submitted by the Secretary General, which showed a sound administration. All the expenses were exactly justified and they also attested the solid work that had been done and the efforts made in order to limit the costs.

Mr. Stotter added that the Secretary General should be thanked for the efforts made on this matter. The amount of money on the credit side of the IAJ was a small reserve fund, which functioned as a safety-valve for the carrying on of the ordinary activity of the IAJ. He recommended to consider the possibility of an at least limited increase of the contributions in the near future in order to expand the activity of the IAJ, according to the wish expressed several times by the Central Council.

Mr. Abravanel had the impression that in the meeting of the previous year it had been envisaged to reduce the level of the yearly contributions of those associations which have only limited financial resources.

Mr. Longo stated that this was a matter which should be carefully considered. Since the proposal was unfortunately not on the agenda, no decision could be taken at that moment. However the problem could be put on the agenda of the meeting of the following year.

Mr. Sy expressed his wish that the matter could be examined without delay, considering that the Senegalese association was in difficulty.

Mr. Abravanel then formally asked that during the meeting of 1988 the Council could discuss the possibility of foreseeing a fourth category of associations, the contribution of which should be a reduced one.

Mr. Gomez pointed out that in his opinion the IAJ cannot let its resources be reduced, as they are already small as related to the potential expenses. He believed therefore that it was necessary to avoid taking hasty decisions, and it was better to find a system which could provide a remedy for the difficulties of some member associations.

The President stated that the problem could also be studied by the Presidency Committee.

The setting up of regional groups.

Mr. Leclercq, going back to the point of setting up regional groups, expressed the opinion that the proposal of the German association, even if undoubtedly interesting, had to be very carefully examined, because the danger of a secession was not only theoretically and it could jeopardize the unity of the association. This unity should, on the contrary, be preserved at any price, being the reason of the success which had been achieved until then. In any case the setting up of regional groups required first of all, as a precautionary measure, the reinforcement of the Secretariate so that it could be put at their disposal.

According to him, before any deliberation it was better to consult with the authorities of the two big international organizations in Brussels and in Strasbourg, in order to get precise information, which would be useful to have clear ideas about the actual possibilities of co-operation, instead of foreseeing abstract programmes that risked to prove unrealistic. Thus the setting up and the functioning of the regional groups could take place with regard to aims really likely to be achieved. That was why he approved the proposal of assigning to a small

committee the task of examining the whole range of possibilities.

After having shortly consulted with the Council members, the President presented the following resolution, which should be the first statement in principle and the platform to be considered by the small committee in its subsequent study of the different problems at stake:

"The Central Council,

"Having noted the ever-increasing activities of international and supra-national organizations, which affect the internal legal system of the national States,

"And acknowledging the opportuneness of establishing the pre-requisites of an effective co-operation of the IAJ with such organizations for the solution of legal problems affecting the exercise of the judicial function,

"Takes notice of the desirability of creating, within the framework of the IAJ, appropriate organs to play an active consultative rôle with these organizations".

After having read the text of the resolution the President suggested that also some members of the Court of Justice of the European Communities and of the European Court of Human Rights take part in the working groups, which would be set up with the aim of co-operating with the authorities of the Council of Europe and of the European Communities

Mr. Voss declared that he was satisfied with the resolution and underlined the need that the first step should be followed by deep discussions based upon many proposals that had been made.

Mr. Stotter and both the Senegalese and ^{the} Finnish delegations shared this opinion. However the Finnish delegation added that the problems concerning the needs of the non-European associations should not be neglected.

Mr. Gomez, addressing the non-European associations, said it was clear that the Central council had to take care in the same way of their interests and expressed the opinion that it could be better if the initiative of creating a regional body was taken in Europe first. The non-European associations could benefit from the European experience, being in a position to reach a well informed decision, in order to avoid the risk of endangering the unity of the IAJ when they would intend to set up similar "organs".

Mr. de Miranda Rosa recommended the Council not to abstain from reconciling the general needs of the IAJ with the particular needs of the regional groups, which should remain united and carry on their activities within the scope of the organization of the IAJ and accepting the control of the Central Council.

Mr. de Vreese remarked that the resolution met the wishes of Mr. de Miranda Rosa, as it stated that the regional groups are expected to act "within the framework of the IAJ".

The resolution was then put to the vote and approved with 44 votes in favour, 2 against, and 4 abstentions.

After having known the results of the vote, Mr. Gomez asked the Secretariate General to inform in time the member associations of the conclusions reached by the Presidency Committee -- or by the small committee, should it be set up -- so that the delegates could consult with the associations and take clear positions in the following meeting of the Central Council, vis-à-vis the various problems that should be discussed.

The President assured he would make due allowances for the submitted opinions and invited the delegations to inform their respective associations about the problems brought up, letting then the Secretariate General know any observations as soon as possible.

Referring to the new European association of judges "for Democracy and Freedom", Mr. Walsh confirmed that the Irish Government would ask the Secretariate General of the Council of Europe to be informed about the dossier of the application for consultative status. Such an action would not put a veto, but it was aimed at avoiding at least that the status could be automatically granted.

The President invited all the associations to consider both the step which his Government intended to take and the desirability of informing him about their opinions on the problem in order to examine such a delicate question in the best way. The dossier would be urgently asked, because on August 17th it would expire the 6 months term, after which the applying association could automatically be granted the consultative status as non-governmental organization.

Co-operation with international organizations.

Mr. Longo informed the audience that the Secretariate General continued to collaborate with the United Nations Social Defence Research Institute-UNSDRI-having its headquarters in Rome. Such collaboration had been given in particular within a small committee intended to prepare draft implementing procedures of the general principles on the independence of the judiciary, approved by the last UN Congress in Milan. The problem would be examined on the occasion of a meeting called under the auspices of the UN in Baden near Vienna at about the end of the year.

Mr. Woratsch added that he represented the IAJ in an international congress on drug abuse, held by the UN in Vienna in May.

Subsequent meetings of the Central Council and of the Study-Commissions

Mr. Voss announced that the German association was ready to host the Central Council and the three Study-Commissions in Berlin, in 1988. The sittings might be held from August 20 to 22.

The President and the whole Council thanked warmly.

Mr. Sa' Nogueira took then the floor in order to inform the audience that he had met some Macao authorities, with whom he agreed to organize the World Congress in September 1989. The participants would have a chance to make a seven-days tour of China for 860 dollars. The travel expense from Europe to Hong-Kong would amount to 1,135 dollars, a very reduced price if compared with the fares normally charged by the airlines.

On the whole the participants in the congress could stay a week in Macao and a week in China. The Macao Government declared its intention of allotting important contributions for the success of the event, in which the Chinese authorities were equally interested.

In fact, according to the terms of the Convention with China, Portugal is bound to leave Macao at the end of the century. The Chinese authorities, who wish to establish connections with the western world, had willingly agreed to cooperate with the Portuguese authorities and the tourist organizations in order to make preparations for the Congress. The programme of this latter had been established by the Portuguese association after several consultations with Macao on the occasion of the Congress which had been held in Porto in April.

Mr. Kiuru informed then the audience that the Finnish association was doing the preparatory work for a meeting of the Council and of the Study Commissions, which would be held in Helsinki in 1989 or 1990. It was hoped that a final decision would be taken later, in Autumn, when the questions concerning the financial support might be resolved.

Mr. Abravanel proposed that the Central Council and the Commissions should meet in Macao in 1989 and in Helsinki the following year.

As far as the Macao Congress was concerned Mr. Gomez declared he was not able to take a decision on behalf of his association, because it had to consider the possibility of bearing the considerable cost of the travel. However he praised the Portuguese initiative and declared himself in principle in favour of the participation of the IAJ in the International Congress.

The proposal to take part in the Congress was put to the vote and approved with 42 votes in favour and 8 against.

Mr. Abravanel was happy to let the audience know that his association planned to organize a meeting in 1991 on the occasion of the 700th anniversary of the formation of the first part of the Swiss Confederation, that is the League of Rütli by the lake of Luzern among the Cantons of Uri, Schwyz and Unterwald. For the moment it was only a plan, which could nevertheless better be shaped during the following year.

The Council thanked by acclamation the delegations that had offered their hospitality for the following meetings.

Election of a Vice-President.

Mr. Gomez proposed to appoint Mr. Voss, Vice-President of the Deutsch-er Richterbund, to be the Vice-President of the IAJ in the place of Mr. Leonardy.

The Dutch and Portuguese delegations immediately supported the proposal and all delegates expressed their unanimous agreement by acclamation.

The President declared the election of Mr. Voss to the Vice-Presidency, and the latter warmly thanked the audience.

Reports of the Presidents of the Study Commissions and selection of the new subjects. Miscellaneous.

The President gave the floor successively to Mr. Krings and to Mr. Mosetto, Presidents of the First and of the Second Commission respectively, and to Mr. Müller and to Mr. Manschot, who had chaired the Third Commission in the absence of Mr. Screvens. They read the final conclusions of the study meetings (the English text of the conclusions of the First Commission was read by Mr. Warner).

After a short consultation the members of the Council approved the subjects proposed by the Presidents of the Study Commissions for the following year:

- "The appointment and the special status of judges" (First Commission);
- "Compensation for damages" (Second Commission);
- "The position and the protection of the witness before, during and after the trial" (Third Commission).

Mr. Kaufmann pointed out the importance of the European Convention against torture, the provisions of which could be studied and commented by the Third Study Commission.

Mr. Abravanel reminded the audience that some events of a certain seriousness had been denounced to the Central Council. According to the summary information which was received, they had occurred in some countries and they seemed to have threatened, if not violated, the right of the judges to be independent. Such information regarded in particular (i) the penal proceedings started against some young judges in Tunisia; (ii) the limitation of freedom suffered by the judges of Burkina Faso in the exercise of their functions; (iii) the disciplinary measures ad-

opted against the Chilean judges, who seemed to have been deprived of their appointment and offices, because they had not complied with the guidelines of the party in power.

Mr. Abravanel specified that the statutes of the IAJ also provide for an action aimed at the protection of the freedom of the judges and at the safeguard of their independence. Therefore the IAJ should not have neglected to make inquiries about such important questions.

Mr. Walsh assured he would deal with the three matters mentioned by Mr. Abravanel.

Mr. Moratseh then took the floor in order to thank warmly Mr. Walsh and the Irish association on behalf of the whole audience for their friendly hospitality. This had been appreciated by everybody, together with the perfect organization of the meeting, which enabled the Central Council and the Study Commissions to accomplish a profitable work. Therefore he asked the President to give his colleagues and the Irish authorities, which had contributed to the success of the event, the warmest thanks of all the participants. These would keep an unforgettable memory of Ireland, such an interesting and generous country.

The whole audience applauded enthusiastically Mr. Walsh.

The President thanked the audience and assured he would express to his Irish colleagues the gratitude that had been shown.

The session was adjourned at 5:45 p.m.

The President
(Brian Walsh)

The Secretary General
(Giovanni E. Longo)