



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

PALAZZO DI GIUSTIZIA - PIAZZA CAVOUR - 00193 ROMA - ITALY

INTERNATIONAL ASSOCIATION OF JUDGES

Minutes of the meetings of the Central Council

Istanbul (Turkey)

5th September 2011 (10.00 – 13.00)

7th September 2011 (15.30 – 18.00)

8th September 2011 (10.00 – 12.00)

Session of 5th September

Present: the President, Mrs. Fatoumata Diakité, the First Vice-President, Mr Gerhard Reissner, the Vice-Presidents Mr Robert Blair, Mrs. Cristina Crespo, Mr Cagney Musi, Mr Christophe Régnard and Mr Virgilijus Valancius; the Honorary Presidents Mr Gunter Woratsch, Mrs Paquerette Girard, Mr Tarek Bennour, Mr Ernst Markel, Mr Sidnei Beneti, Mrs Maja Tratnik and Mr José Maria Bento Company; the Secretary-General, Mr Antonio Mura; the Deputy Secretaries-General, Mr Giacomo Oberto, Mr Lucio Aschettino, Mr Galileo D'Agostino and Mr Raffaele Gargiulo, as well as the following national associations, represented by the delegates whose names are on the list attached to these minutes (see enclosure No. 1):

ALBANIA (OBSERVER)	LATVIA
ALGERIA (EXTR. MEMBER)	LIECHTENSTEIN
ARGENTINA	LITHUANIA
ARMENIA	MALI
AUSTRALIA	MEXICO
AUSTRIA	MOLDOVA
BELGIUM	MOZAMBIQUE (OBSERVER)
BENIN (EXTR. MEMBER)	NETHERLANDS
BRAZIL	NIGER
BOSNIA AND HERZEGOWINA (EXTR. MEMBER)	NORWAY
CANADA	PANAMA
CHILE (PROXY)	PARAGUAY
COSTA RICA (PROXY)	PERU (OBSERVER)
CROATIA	POLAND
CYPRUS	PORTUGAL
CZECKIA	PUERTO RICO
DEM. REP. OF CONGO (EXTR. MEMBER)	REP. OF CHINA (TAIWAN)
DENMARK	SENEGAL
ESTONIA	SERBIA (EXTR. MEMBER)
FINLAND	SLOVAKIA
FRANCE	SLOVENIA
GEORGIA	SOUTH AFRICA
GERMANY	SPAIN
GREECE	SWEDEN
GUINEA (OBSERVER)	SWITZERLAND
HUNGARY	THE FORMER YUGOSLAV REPUBLIC OF
ICELAND	MACEDONIA
ISRAEL	TOGO
ITALY	TURKEY (EXTR. MEMBER)
IVORY COAST	UKRAINE (EXTR. MEMBER)
KAZAKHSTAN (EXTR. MEMBER)	UNITED KINGDOM

JAPAN	UNITED STATES OF AMERICA URUGUAY
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The official inauguration ceremony took place at 9.00 a.m. chaired by Mrs Fatoumata Diakité, President of the IAJ. During this event the President of the Union of Judges and Prosecutors of Turkey, Mr Murat Aslat, the President of the Turkish Justice Academy, Mr Hüseyin Yıldırım, the President of the Turkish Council of State, Mr H. Hüseyin Karakullukçu, the President of International Union of Notaries, Mr Jean Paul Decorps, and the President of the IAJ, Mrs Fatoumata Diakité, took the floor.

After this ceremony, President Diakité opened the meeting at 10.30, by welcoming all present. She expressed the deepest gratitude of the IAJ to the local Authorities as well as to the Turkish Association of Judges for the perfect organization of the meeting and for their generous hospitality. She also thanked Honorary President Maja Tratnik for her engagement in view of the organization of the meeting.

President Diakité informed then the Assembly about the attendance in the meeting of the U.N. Special Rapporteur on the Independence of Judges and Lawyers, Mrs. Gabriela Carina Knaul Albuquerque e Silva, and the President of International Union of Notariat Mr Jean Paul Decorps. She welcomed also the observers from Albania, Guinea, Mozambique and Peru.

The Secretary-General Mr Mura informed the assembly that so far the General Secretariat had received in writing a proxy from the Association of Chile to the delegation of Argentina and from the Association of Costa Rica to Mrs Cristina Crespo.

1. Approval of the minutes of the meeting held in Dakar;

President Diakité pointed out that the minutes of the meeting in Dakar had been sent to all national associations and that no remarks had been raised. The assembly submitted no objections; therefore the President stated the minutes of the meeting held in Dakar as unanimously approved.

2. Appointment of auditors to examine the accounts and the financial report and to report;

Upon proposal of the IAJ President, the assembly unanimously appointed Mr Tony Pagone (Australia) and Mrs Viviane Lèbe Dessard (Belgium) as auditors responsible for scrutinising the annual accounts and financial report and for reporting on it to the Central Council.

3. Report by the President of the IAJ;

President Diakité referred to her written report, mentioning in particular her participation in the meetings of the European Association of Judges and the African Group. She could not attend the meeting of the Ibero-American Group due to its schedule and the situation in Ivory Coast that prevented her from travelling. President Diakité participated also in the delivery of the “Justice in the World” award that took place in December 2010.

4. Report by the Secretary-General;

The Secretary-General Mr Mura summarized the main aspects of his written report: the General Secretariat is undergoing a process of reorganization and modernization. The archives are increasingly kept in electronic format (see, for instance, the filing of the correspondence in “pdf” format). The website is regularly updated and the member associations are invited to cooperate; also, it will be revised by a technician to make it more user-friendly and modern.

The organisation of the annual meeting took up the energies of the staff and Mr Mura expressed his gratitude to the Turkish Association and the congress agency “TOC” for their kindness and readiness in answering all the questions submitted by the General Secretariat.

As to the future meetings, Mr Mura referred to proposals aimed at a different conduct of works within the Central Council and expressed the availability of the General Secretariat to accompany this evolution to make more effective the presence of the IAJ on the international scene.

5. Reports by the Vice-Presidents responsible of the Regional Groups;

The President of the ANAO Group, Mr Robert Blair, referred to his written report, specifying that the Group focused on judicial mentoring and judicial mediation and discussed as well the issue of the two types of membership in the IAJ. Mr Blair underlined that the Group meets only once a year, on the occasion of the world meeting of the IAJ, and that for this reason, this was the first year of a “virtual meeting” in Springtime organised using a special software (Microsoft Live Meeting). He also mentioned the applications for ordinary membership submitted by two ANAO members, i.e. the associations of Kazakhstan and Mongolia.

The President of the European Association of Judges, Mr Gerhard Reissner, referred to his written report and focused on the main aspects of it. He mentioned the global economic crisis, which affected also the justice systems of the continent, both with the reduction of fund for increasing the efficiency of courts and with cuts in the remuneration of judges. The data collected in the EAJ survey on salaries, finalised last year, are now out of date. Mr Reissner mentioned the widespread tendency to reduce the number of judges elected in the High Councils for the Judiciary and a general attitude against judges, which translates into their delegitimization. Regular and fruitful contacts have been kept with European institutions. Lastly, Mr Reissner mentioned the difficult situation of the judiciary in Serbia, about which the EAJ President announced the willingness to ask for an intervention of the IAJ Central Council through a resolution.

The President of the Ibero-American Group, Mrs Cristina Crespo, referred to her written report and recalled the recent meeting in Recife, in which some observers took part that submitted new applications for membership. Also, Mrs Crespo mentioned the ceremony that will take place in the Argentinean Parliament for the appointment, by the Foundation “Mi Milenios”, of the American Federation of Magistrates as “Ambassador for Peace”. Mrs Crespo will represent the IAJ on that occasion.

Mrs Crespo recalled the attitude of the IBA Group towards the issue of the two types of membership in the IAJ (abolition of the status of extraordinary member) and then announced that the Group started a study on possible ways to improve the organisation of the IAJ meetings in order to give centrality to the issue of the independence and reduce the time devoted to administrative issues. With the consent of the IAJ President, she then gave the floor to Mr Abel Fleming, who presented the first results of the study. President Diakit  then informed the assembly that the debate on the report would be postponed to the last day of works in order to grant the delegates the possibility to analyse the report.

The German delegate Mr Lothar Juenemann asked information on the situation of the associations of Bolivia and Venezuela. As to the latter, Mrs Crespo said that there is not a judges’ association in the country anymore. With reference to the Bolivian association, she recalled its engagement to modify the process of selection of judges and to oppose the groundless expulsion of judges decided by the government.

The President of the African Group, Mr Cagney Musi, recalled the Group’s meeting in Bamako, where the following topics were discussed: the role of judiciary in consolidating democracy in Africa and the role of the judiciary in protecting the environment. On the same occasion the issue of extraordinary and ordinary membership was discussed and it was unanimously resolved that the statutes of the IAJ should be amended in order to have ordinary membership. As to the member associations, Mr Musi informed the assembly that in Tunisia a meeting was held in March 2011 where a new Executive Committee of the Association was elected. In the Democratic Republic of Congo the independence of the judiciary is fully granted but the Association is struggling for a better implementation of the law. Mr Musi recalled also that two African associations (Guinea and Mozambique) applied for membership and that the application for ordinary membership submitted by Algeria and Benin will be voted in the current Central Council meeting.

6. Reports by the Executive-President of the Foundation "Justice in the World";

Mr Ruben Jimenez Fernandez referred to his written report, summarizing the main aspects, among which the impact of the global financial crisis on the activities of the Foundation and the decision not to engage in activities which have not a previous funding.

The delivery of the prize “Justice in the World” was postponed to the end of last year (December 2010) because of the lack of funding. This problem is likely to recur also for 2011 and there is the risk that the prize cannot be delivered at all.

Mr Jimenez Fernandez referred then to the premises of the Foundation, announcing the move of the Spanish Association (APM) (with whom the Foundation shared the office) to a new seat, where the rental fees will be covered only by APM and the Foundation will be allowed to use the meeting room and secretariat facilities.

7. Reports by IAJ’s Representatives at the United Nations;

President Diakité thanked the UN Special Rapporteur on the Independence of Judges and Lawyers, Mrs Gabriela Knaul Albuquerque, for her participation. She then gave the floor to the IAJ representatives at the UN seats in New York, Vienna and Geneva.

Mrs Mailhot referred to her written report and mentioned recent changes in the UN procedures for the registration of NGOs representatives to the DPI/NGO meetings.

Mr Markel referred to his written report concerning the twentieth session of the General Assembly of the Commission on Crime Prevention and Criminal Justice of the UN Economic and Social Council. He mentioned the website of the conference, whose URL as indicated in the report should instead be read as www.unodc.org/unodc/en/commissions/CCPJC/session/20/index.html

Mr Zappelli mentioned his regular check of the UN activities (reports by the treaty bodies, for instance) concerning IAJ members or applicant associations. He underlined also the importance of keeping regular contacts not only with UN officials but also with the Special Rapporteurs on Human Rights and the independence of judges and lawyers.

At the end of these expositions President Diakité gave the floor to Mrs Knaul, who thanked her for the invitation to the meeting and the Turkish Association for the kind hospitality. She then underlined her being the first judge to hold the office of Special Rapporteur on the Independence of Judges and Lawyers, circumstance that gives her a different approach to the issue. Mrs Knaul mentioned her first report, devoted to the need for continuing education in international human rights law for magistrates, judges, prosecutors, public defenders and lawyers available on the internet at the following address:

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/126/22/PDF/G1012622.pdf?OpenElement> . She briefly presented a questionnaire addressed to States, NGOs and associations, also available on the internet, whose answers will be collected between October 2011 and February 2012.

President Diakité thanked Mrs Knaul for her presentation.

8. a) Discussion and consultative vote about the maintenance of two types of membership in the IAJ (ordinary and extraordinary members); b) Criteria and procedure to be adopted in case of application for membership of the IAJ: information about the adoption by the Presidency Committee of an amended procedure to be applied to applications for membership (appointment of rapporteurs, timing for the preparation and the evaluation of reports, etc.);

President Diakité informed the assembly that point b) will be treated first. Secretary-General Mura then read out the new procedure adopted by the Presidency Committee for the examination of applications for membership, which will be enclosed to the minutes of the CC meeting (enclosure no. 2).

Coming to point a), President Diakité recalled the work done by the Working Group chaired by Mr Christophe Régnard and the decision to have it examined and discussed within the Regional Groups. She then gave the floor to the Presidents of the Regional Groups, to let them summarize the conclusions of their respective Groups.

Mr. Blair summarised the debates held within the ANAO Group, both in the occasion of its virtual meeting and in Istanbul. The prevailing view is to maintain the two types of membership, to allow the participation of fighting associations in international life and to prevent the risk of potential discrimination between associations. Also, the Group would consider favourably a provision envisaging the expulsion of the associations which no longer meet the criteria for membership in the IAJ and recommends the amelioration of the reporting procedure.

Mr. Musi reported the dissatisfaction of the African Group for the present situation and the support for the abolition of the double membership. The IAJ should set well established criteria for the membership and the Group would welcome proposals for the introduction of provisions concerning the suspension/annulment of the membership.

Mrs Crespo reported the unanimous wish of the Ibero-American Group to abolish the double membership. The extraordinary membership is, in the view of the Group, discrimination towards the associations which are fighting for the independence of the judiciary. Clear criteria to evaluate the admission of new members are needed, taking into account that the political situation in a country should not be considered as detrimental for the admission of an association. As to the possibility of expelling a member, Mrs Crespo evoked the risk that such measure could be considered as a further punishment and would hamper the aim of a worldwide diffusion of IAJ values and membership.

Mr. Reissner explained that the members of the European Association of Judges share the concerns expressed by the other Regional Groups, but at the same time are worried about the risk of jeopardizing the credibility of the IAJ, to which end the double membership is considered a useful tool. Mr Reissner then informed the assembly about the adoption of a motion proposing the following issues: the possibility of exclusion of member associations for other reasons besides the arrears in the annual contributions; the establishment of a reporting system to monitor the fulfillment of the criteria for membership; the abolition of extraordinary membership; the role to be given to the independence of the judiciary in a country in order to admit its national association; the immediate start of the Statute's amendment procedure.

President Diakité stressed that the EAJ motion reconciled the perspectives and exigencies of all the Regional Groups and Secretary-General Mura remarked that, because of the timetable imposed by the IAJ Constitution, the only possible step to be taken in Istanbul was to set the framework for the reflection on the amendments.

The session was closed at 13.00.

Session of 7th September 2011

Present: the President, Mrs. Fatoumata Diakité, the First Vice-President, Mr Gerhard Reissner, the Vice-Presidents Mr Robert Blair, Mrs. Cristina Crespo, Mr Cagney Musi, Mr Christophe Régnard and Mr Virgilijus Valancius; the Honorary Presidents Mr Gunter Woratsch, Mrs Paquerette Girard, Mr Tarek Bennour, Mr Ernst Markel, Mr Sidnei Beneti, Mrs Maja Tratnik and Mr José Maria Bento Company; the Secretary-General, Mr Antonio Mura; the Deputy Secretaries-General, Mr Giacomo Oberto, Mr Lucio Aschettino, Mr Galileo D'Agostino and Mr Raffaele Gargiulo, as well as the following national associations, represented by the delegates whose names are on the list attached to these minutes (see enclosure No. 3):

ALBANIA (OBSERVER)	LATVIA
ALGERIA (EXTR. MEMBER)	LIECHTENSTEIN
ARGENTINA	LITHUANIA
ARMENIA	LUXEMBOURG
AUSTRALIA	MALI
AUSTRIA	MEXICO
AZERBAIJAN (EXTR. MEMBER)	MOLDOVA
BELGIUM	MOZAMBIQUE (OBSERVER)
BENIN (EXTR. MEMBER)	NETHERLANDS
BRAZIL	NIGER
BOSNIA AND HERZEGOWINA (EXTR. MEMBER)	NORWAY
BULGARIA	PANAMA
CANADA	PARAGUAY
CHILE (PROXY)	PERU (OBSERVER)
COSTA RICA (PROXY)	POLAND

CROATIA	PORTUGAL
CYPRUS	PUERTO RICO
CZECKIA	REP. OF CHINA (TAIWAN)
DEM. REP. OF CONGO (EXTR. MEMBER)	SENEGAL
DENMARK	SERBIA (EXTR. MEMBER)
ESTONIA	SLOVAKIA
FINLAND	SLOVENIA
FRANCE	SOUTH AFRICA
GEORGIA	SPAIN
GERMANY	SWEDEN
GREECE	SWITZERLAND
GUINEA (OBSERVER)	THE FORMER YUGOSLAV REPUBLIC OF
HUNGARY	MACEDONIA
ICELAND	TOGO
ISRAEL	TURKEY (EXTR. MEMBER)
ITALY	UKRAINE (EXTR. MEMBER)
IVORY COAST	UNITED KINGDOM
KAZAKHSTAN (EXTR. MEMBER)	UNITED STATES OF AMERICA
JAPAN	URUGUAY

The meeting was opened at 9.15 by President Diakité, who informed the assembly about the publication of the 3rd volume of the IAJ collection, thanks to the efforts of Deputy Secretary-General Mr Giacomo Oberto (editor) and Honorary President Sidnei Beneti (relationships with the publisher). Copies of the volume are available in the venue of the meeting and others will be sent to the seats of the IAJ member associations. President Diakité then communicated a slight change in the programme of the works, since the treatment of points 13 (Report by the auditors) and 15 (Meetings of the IAJ in the next years) will be anticipated.

The Secretary-General announced that he received the following proxies: from the delegation of Taiwan to the delegation of the USA, from the delegation of Belgium to the delegation of France, from the delegation of Iceland to the delegation of Norway.

13. Report by the auditors;

After the report of the auditors, who had been charged with examining the accounts (Mr Pagone and Mrs Lèbe Dessard), the assembly unanimously approved the financial report and the closed budget for the year 2010-2011 and discharged the Secretary-General of any responsibility in this respect.

15. Meetings of the IAJ in the next years. Possible host-countries;

President Diakité gave the floor to Mr Royal Furgeson, President of the US Federal Judges Association (FJA), who presented to the assembly the American proposal for the organisation of the 2012 IAJ meeting. The event would be hosted by the FJA and the United States Patent and Trademark Office's Global Intellectual Property Academy and would take place in November 2012 in Washington D.C.. The Central Council unanimously accepted the proposal and President Diakité thanked the US Association on behalf of the assembly and of the IAJ.

8. a) Discussion and consultative vote about the maintenance of two types of membership in the IAJ (ordinary and extraordinary members); b) Criteria and procedure to be adopted in case of application for membership of the IAJ: information about the adoption by the Presidency Committee of an amended procedure to be applied to applications for membership (appointment of rapporteurs, timing for the preparation and the evaluation of reports, etc.);

Coming back to point 8 of the agenda, President Diakité summarised the talks of the Monday session and the motion of the EAJ and stressed that, if there was a general agreement on the changes to

be brought to the Constitution, the Central Council should now decide the steps to be taken to start the amending procedure.

A lively debate took then place on the pace of the amending procedure and on the framework for the drafting of the amending proposals. Moving from the EAJ motion and taking into consideration the remarks expressed by many delegates, the assembly at last approved a motion on the start of the process of change of the provisions of IAJ Statutes concerning membership. The text is enclosed to these minutes (enclosure no. 4).

The assembly also approved the establishment of a Commission charged to draft the proposals, which will be chaired by Vice President Régnard and will be composed of the former members of the WG on the extraordinary membership and a representative of each Regional Group, to be appointed through consultations within each Group.

11. Associations which have not paid their contributions for several years;

Secretary-General Mura informed the assembly about the payment of some annual contributions made in Istanbul. He then added that the Bolivian association was the only one risking to loose its membership in pursuance of article 4.9 of the IAJ Constitution . The delegate of Portugal, Mr Igreja Matos, took the floor to ask the Central Council not to expel the Bolivian Association. After an open vote, the Central Council decided by a majority vote to expel the Bolivian Association of Judges.

The session was closed at 18.45 and the start of the following one anticipated at 9.15.

Session of 8th September 2011

The meeting was opened at 9.00.

Present: the President, Mrs. Fatoumata Diakité, the First Vice-President, Mr Gerhard Reissner, the Vice-Presidents Mr Robert Blair, Mrs. Cristina Crespo, Mr Cagney Musi, Mr Christophe Régnard and Mr Virgilijus Valancius; the Honorary Presidents Mr Gunter Woratsch, Mrs Paquerette Girard, Mr Tarek Bennour, Mr Ernst Markel, Mr Sidnei Beneti, Mrs Maja Tratnik and Mr José Maria Bento Company; the Secretary-General, Mr Antonio Mura; the Deputy Secretaries-General, Mr Giacomo Oberto, Mr Lucio Aschettino, Mr Galileo D'Agostino and Mr Raffaele Gargiulo, as well as the following national associations, represented by the delegates whose names are on the list attached to these minutes (see enclosure No. 5):

ALBANIA (OBSERVER)	LATVIA
ALGERIA (EXTR. MEMBER)	LIECHTENSTEIN
ARGENTINA	LITHUANIA
ARMENIA	LUXEMBOURG
AUSTRALIA	MALI
AUSTRIA	MEXICO
AZERBAIJAN (EXTR. MEMBER)	MOLDOVA
BELGIUM	MOZAMBIQUE (OBSERVER)
BENIN (EXTR. MEMBER)	NETHERLANDS
BRAZIL	NIGER
BOSNIA AND HERZEGOWINA (EXTR. MEMBER)	NORWAY
BULGARIA	PANAMA
CANADA	PARAGUAY
CHILE (PROXY)	PERU (OBSERVER)
COSTA RICA (PROXY)	POLAND
CROATIA	PORTUGAL
CYPRUS	PUERTO RICO
CZECKIA	REP. OF CHINA (TAIWAN)
DEM. REP. OF CONGO (EXTR. MEMBER)	SENEGAL
DENMARK	SERBIA (EXTR. MEMBER)

ESTONIA	SLOVAKIA
FINLAND	SLOVENIA
FRANCE	SOUTH AFRICA
GEORGIA	SPAIN
GERMANY	SWEDEN
GREECE	SWITZERLAND
GUINEA (OBSERVER)	THE FORMER YUGOSLAV REPUBLIC OF
HUNGARY	MACEDONIA
ICELAND	TOGO
ISRAEL	TURKEY (EXTR. MEMBER)
ITALY	UKRAINE (EXTR. MEMBER)
IVORY COAST	UNITED KINGDOM
KAZAKHSTAN (EXTR. MEMBER)	UNITED STATES OF AMERICA
JAPAN	URUGUAY

The Secretary-General announced that he received the following proxies: from the delegation of Armenia to the delegation of Latvia, from the delegation of Liechtenstein to the delegation of Switzerland, from the delegation of Portugal to the delegation of Puerto Rico; from the delegation of Slovakia to the delegation of Poland; from the delegation of Czechia to the delegation of Poland; from the delegation of Estonia to the delegation of Denmark, from the delegation of United Kingdom to the delegation of the Netherlands; from the delegation of Luxembourg to the delegation of France, from the delegation of Georgia to the delegation of Lithuania; from the delegation of The Former Yugoslav Republic of Macedonia to the delegation of Croatia.

12. Budget of the International Association of Judges;

See enclosure No. 6.

Presenting the subject, Secretary-General Mura summarised the financial report, which had already been distributed to the delegates. The budget for the year 2011-2012 did not take account of the modifications determined by the exclusion of certain associations and the admission of others that could be decided in the Istanbul meeting. He informed therefore the Assembly that the Presidency Committee decided that, if the Central Council would admit new members, the contributions paid by these associations should be indicated in the headings which will be determined by the Secretary-General according to needs. On the occasion, the budget will be also amended taking account of associations which could cease being members of the IAJ.

No remarks were made on the report and, upon proposal of the IAJ President, the assembly unanimously approved it as well as the draft budget for the year 2011-2012.

President Diakité thanked the Italian *Associazione Nazionale Magistrati* for the special contribution it gave for the professional staff of the General Secretariat.

9. Demandes de devenir membre ordinaire formulées par les Associations d'Algérie, du Bénin, du Kazakhstan et de l'Ukraine;

President Diakité invited the representatives of the concerned associations to leave the room and urged the rapporteurs to be concise, due to the lack of time.

The first application to be examined was that of the association of Benin, because its delegates were going to fly back to their country. Mr Denecker, rapporteur on the application, briefly summarised his report and answered some questions asked by the delegate of the Netherlands.

Secretary-General Mura recalled the positive advice of the Presidency Committee on the admission of the Benin Association as an ordinary member and explained that, through a positive vote, the association would then become an IAJ ordinary member. He asked whether there was any contrary vote, and there wasn't any; two abstentions were proclaimed. Therefore, the *Union Nationale des Magistrats du Bénin* was admitted as an IAJ ordinary member. Mr. Onésime Gérard Madode, President of the association, was invited to join the assembly and delivered his speech of thanks.

President Diakité gave then the floor to the rapporteur on the application for ordinary membership of the association of Algeria, Vice-President Mr Régnard, who summarised his report.

President Diakité recalled that, in its Rome meeting, the Presidency Committee already adopted the report and decided to submit the issue to the vote of the Assembly. Mr Mura recalled that the report, as well as its update, was distributed to the IAJ members well in advance before the meeting.

The delegates of Denmark, Germany and Israel asked for a secret vote.

The assembly decided to examine the remaining candidatures to see whether there will be other requests for a secret vote. In the affirmative, the voting would be held together at the end of the treatment of the current item of the agenda.

President Diakité then invited Mr Peter Hall and Mr Virgiljūs Valancius, in their capacity as rapporteurs on the application of the Kazakh association, to take the floor and summarize their report.

Mr Blair underlined that the ANAO Group unanimously supported the admission of the association as ordinary member.

The delegates of Denmark, Germany and Sweden asked for a secret vote.

President Diakité gave the floor to Mr Stephan Gass and Mr Charles Simpson, in their capacity as rapporteurs on the application of the Ukrainian association, to present their report.

The delegates of France, Ivory Coast and Senegal asked for a secret vote.

The IAJ President asked for three volunteers to perform scrutineer duties. Mr Maarten Steenbeck (the Netherlands), Mr Pol Van Iseghem (Belgium) and Mrs Chun-Li Hung (Taiwan) were appointed auditors to count the ballots. After the scrutiny, Mr Steenbeck read to the assembly the results of the voting: for the admission of the Association of Algeria as an IAJ ordinary member: 38 votes in favour, 12 against and 2 abstentions; for the admission of the Association of Kazakhstan as an IAJ ordinary member: 40 votes in favour, 10 against and 2 abstentions; for the admission of the Association of Ukraine as an IAJ ordinary member: 39 votes in favour, 11 against and 2 abstentions.

Secretary-General Mura read the pertinent provision of the IAJ Constitution (art. 4.5: “a majority of three quarters of the votes cast is required for the admission of a new ordinary or extraordinary member”) and told the assembly that, according to the interpretation by the Presidency Committee, a “vote cast” is a decision in favour or against, while the abstention is not considered as a vote. Therefore, the majority was to be calculated out of 50 votes.

Taking into consideration the results of the voting, the *Syndicat National des Magistrats Algériens*, the Union of Judges of the Republic of Kazakhstan and the Ukrainian Independent Judges Association were admitted as IAJ ordinary members and their representatives invited to join the assembly. Mr Djamel Aidouni, President of the *Syndicat National des Magistrats Algériens*, Mr Vladimir Borisov, President of the Union of Judges of the Republic of Kazakhstan and Mr Oleg Prysiashniuk, President of the Ukrainian Independent Judges Association, delivered their speeches of thanks to the assembly.

10. Applications for membership: Albania, Guatemala, Guinea, Mozambique;

The Secretary-General announced that the delegation of Croatia gave proxy to the delegation of Austria and on behalf of the Macedonian Association gave proxy to the delegation of Hungary. Also, the delegation of Benin gave proxy to the delegation of Mali.

President Diakité invited the representatives of the concerned associations to leave the room and gave the floor to Mr Reissner, rapporteur on the application submitted by the Albanian Association (together with Mrs Roslyn Atkinson, who did not attend the meeting), who summarised his report.

The delegates of Switzerland, Norway, Sweden and Israel asked for a secret vote on all the four applications.

President Diakité then gave the floor to Mrs Elisabeth Linares and Mr Galileo D’Agostino, rapporteurs on the application submitted by the Guatemalan Association, who briefly illustrated their report and concluded recommending the admission as ordinary member. Mr Lothar Juenemann (Germany) objected that, according to the agenda, the application was expected to be for extraordinary membership. Secretary-General Mura clarified that the two items devoted to the admission of members in the agenda referred one to associations which were already IAJ extraordinary members and the other to associations with no previous relationships of any kind with the IAJ. The delegations of France, Croatia and Switzerland proposed to vote on the admission of the Guatemalan association as extraordinary member. The assembly decided to vote with a special ballot, containing the two options

(ordinary and extraordinary membership): should the votes for the ordinary membership not be enough to grant this status, they will be added to those expressed in favour of extraordinary membership.

President Diakité then gave the floor to Mr Fodié Touré and Mrs Virginie Duval, rapporteurs on the application submitted by the Association of Guinea Conakry, who briefly illustrated their report.

President Diakité thanked them and invited Mr Jose Igreja Matos to illustrate the application of the Mozambican Association (the other rapporteur being Mrs Judith Van Schalkwyk, who did not attend the meeting due to family reasons).

The scrutineers were again Mr Steenbeck, Mr Van Iseghem and Mrs Hung.

The IAJ members present at the voting were 47.

President Diakité started the voting procedures and, during the scrutiny, gave the floor to the Presidents of the Study Commissions, to report on the conclusions of their commissions.

14. Reports by the Presidents of the Study-Commissions. Selection of the new subjects;

The commissions considered the following subjects: “The physical and economic conditions of judicial independence” (1st Study Commission: Mr Pol Van Iseghem); “Cross-border issues in the face of increasing globalization – as reflected in a series of individual fact scenarios” (2nd Study Commission: Mrs. Zila Zfat); “Criminal Organizations: Identification, Seizure and Forfeiture” (3rd Study Commission: Mr Frans Bauduin); “Unemployment Benefits” (4th Study Commission: Mr. Gerhard Kuras).

The Presidents also proposed the topics chosen by the Study Commissions for the meeting 2012.

The Central Council approved the conclusions as well as the proposals of the commissions on the following topics for 2012: “The extent to which specialization of courts and judges affects judicial independence” (1st Study Commission); “Aspects of intellectual property disputes. 1) Protection of artistic or literary reputation. 2) The court’s use of experts or assessors” (2nd Study Commission); “The infringement of copyright and other intellectual property rights, especially through the use of the internet” (3rd Study Commission); “Aspects of intellectual property and competition law in employment relationship” (4th Study Commission).

President Diakité thanked all the Study Commissions and their Boards for the work done.

16. Miscellanea.

Upon proposal of the European Association of Judges, the assembly unanimously approved a resolution on the situation of the judiciary in Serbia (enclosure No. 7). The President of the Serbian Association, Mrs Dragana Boljevic thanked the IAJ Central Council and asked to forward the resolution to some Serbian and European institutions, of which she will provide the addresses.

As to the report presented by Mr Abel Fleming concerning the reform of the works schedule on the occasion of the IAJ meetings, Secretary-General Mura expressed his endorsement and, recalling the general agreement expressed by the assembly to engage in that direction, committed also the General Secretariat to support any step towards a better organisation of the Central Council works.

The scrutineers communicated the results of the voting on the admission of new members. The applicant associations were all admitted, with the following votes. For the admission of the Association of Albania as an IAJ extraordinary member: 44 votes in favour, 2 against and 1 abstention; for the admission of the Association of Guatemala: 18 votes in favour as an IAJ ordinary member, 26 in favour as an extraordinary member, 2 against and 1 abstention; for the admission of the Association of Guinea Conakry as an IAJ extraordinary member: 42 votes in favour, 4 against and 1 abstention; for the admission of the association of Mozambique as an IAJ extraordinary member: 36 votes in favour, 10 against and 1 abstention.

Mr Kelefa Sall, President of the *Association des Magistrats de Guinée*, Mrs Vitalina Papadakis, President of the *Associação Moçambicana de Juizes*, and Mr Julian Haxhiu, Secretary-General of the Union of Albania’s Judges, delivered their speeches of thanks to the assembly.

Secretary-General Mura thanked the Turkish Association of Judges, YARSAV, and its President, Mr Murat Aslan, for the perfect organisation of the meeting and the warm welcome granted to all the delegations. He thanked also the TOC agency and Mrs Muge Duman for the logistic support and the constant cooperation with the IAJ General Secretariat in view of the organisation of the meeting. He congratulated the staff of the General Secretariat for the work done and extended to all its members the thanks and compliments received by the delegates to the meeting.

Mr Murat Aslan took then the floor to say goodbye to the assembly and to thank the IAJ members for their participation in the meeting.

Closing the works of the meeting, President Diakit  recalled and shared the thanks expressed by Secretary-General Mura to the hosting Association and thanked the Presidency Committee, the General Secretariat and all the delegations in attendance of the meeting for their fruitful contribution to the life and works of the IAJ. She then added the IAJ's and her personal thanks to the UN Special Rapporteur on the Independence of Judges and Lawyers, Mrs Gabriela Kn ul, who attended the meeting for its whole duration, and to all the IAJ Honorary Presidents who intervened. She thanked again the US Federal Judges Association and the ANAO Group for the proposal to host the 2012 meeting.

The meeting was closed at 14.00

The President of the I.A.J.
Fatoumata DIAKITE

The Secretary-General of the I.A.J.
Antonio MURA

Enclosures:

1. List of participants (5 September 2011);
2. Procedure adopted by the Presidency Committee for the examination of applications for membership;
3. List of participants (7 September 2011);
4. Motion on the amendment of the IAJ Constitution
5. List of participants (8 September 2011);
6. Financial report and budget documents;
7. Resolution on Serbia.

DELEGATES ATTENDING THE CENTRAL COUNCIL MEETING IN ISTANBUL 2011

Session of 5 September 2011

ALGERIA	AIDOUNI Djamel HIMEUR Camel		PORKKALA-HIETALA Anna-Mari
ARGENTINA	CAMINOS Miguel Angel CORDERO Maria GOMEZ ALONSO DE DIAZ	FRANCE	DUVAL Virginie VALTON Virginie
ARMENIA	KHACHATURYAN Davit SAHAKYAN Tigran SARGSYAN Hrachik STEPANYAN Vardan	GEORGIA	AREVADZE George OKROPIRASHVILI Malkhaz TEVZADZE Levani
AUSTRALIA	ATKINSON Roslyn	GERMANY	FRANK Christoph JUNEMANN Lothar SCHNEIDERHAN Peter
BELGIUM	CARETTE Maximiliaan DENECKER Louis	GREECE	ALMPOURAS George TSAMI Maria Georgea
BENIN	BOHO NADJO Genevieve	HUNGARY	MAKAI Lajos SZABO Sandor
BOSNIA AND HERZEGOWINA	TEGELTIJA Milan SALIHVIC Goran	ICELAND	BRAGADOTTIR Ragnheidur EINARSDOTTIR Ingvaldur
CANADA	CLACKSON Terry DUTIL Julie MCEWAN Marc	ISRAEL	ZFAT Zila
CONGO R.D.	NKANGA Isofa NSAMBAYI Mutenda Lukusa	ITALY	ZUCCARELLI Fausto
CROATIA	MRCELA Marin SESSA Djuro	IVORY COAST	AMON Laurence COULIBALY Olga KOUASSI Bernard KOUASSI A. Marcelle MOMBLE Messey N'GORAN-THEOKLY Yves PREGNON Lognon Boniface
CYPRUS	KOUSHOS Demetra LIATSOS Antonis	JAPAN	MIMURA Akiko MIZUNO Masanori
CZECHIA	VYCKLICKY Jan	KAZAKHSTAN	BALKEN Madiyar BORISOV Vladimir SATBAYEVA Gulnar ZHUMABAYEV Serik
DENMARK	FROST Lis HOYER Ole OLESEN Ole Graesboll SJÖBERG Mikael THEGEN Karen	LATVIA	BICKOVICS Ivars
ESTONIA	KIKERPILL Rubo LUIK Jaak MEELIS Erik	LIECHTENSTEIN	HAGEN Lothar NAGEL Jürgen
FINLAND	JUDSTRÖM Marja-Liisa	MALI	COULIBALY Souleymane

	TOURE Fodié		TONJENI Tule-Tu S.
MEXICO	CAMPOS MONTEJO Rodolfo GUTIERREZ COHEN Max	SPAIN	CHAMORRO GONZALEZ Jesus ORELLANA CANO Nuria
MOLDAVIA	DRUTA Ion TURCANU Radu	SWEDEN	BERGENDAHL Marit FLODIN Anna SUNDSTRÖM Erik
NETHERLANDS	FRIKKEE Karin STEENBEECK Maarten VAN LOKVEN Stephanie VAN ZUTPHEN Reinier	SWITZERLAND	GASS Stephan STADELMANN Thomas STEIN Mathias
NORWAY	ANKILL Brit DORSTAD Inger Kjersti HOLM Havard INGJERD Thune STORHAUG LARSEN Wiggo VIKE Anne Kristin	TAIWAN	HUANG Jawyang HUNG Chun-Li Loulou
PANAMA	CARRIZO DE MARTINEZ Delia CEDENO SUIRA Maria Leticia	TOGO	BABA YARA Affo SOGOYOU Pawélé WIYAO Essohana
PARAGUAY	AGUIRRE RODAS Manuel	THE FORMER YUG. REP. OF MACEDONIA	ARNAUDOVSKA Aneta NIKOLOVSKI Nikolko
PERU	RUBINA ANGULO Elmer	TURKEY	DURMAZ Ciney SAMAS Mustafa SAY Sükrü TANK Mehmet
POLAND	PIEBIAK Lukasz	UKRAINE	REVA Dmitro REVA Serhiy PRYSIZHNIUK Oleg TKACH Viacheslav ZAGORUYKO Vitaliy
PORTO RICO	DOITTEAU RUIZ Yolanda LINARES SANTIAGO Elisabeth	UNITED KINGDOM	MACKAY Ronald WOOD Lindsay
PORTUGAL	CASEBRE LATAS Antonio IGREJA MATOS José PEREIRA RIBEIRO COELHO Nuno	U.S.A.	DONALD Bernice DUNCAN Allyson FURGESON Royal HALL Peter SEYBERT Joanna SIMPSON Charles
SENEGAL	BA Abdoulaye DEME Ibrahima NDIAYE Mor	OBSERVERS	
SERBIA	BOLJEVIC Dragana	ALBANIA	HAXHIU Julian METALLA Ervin
SLOVENIA	FLORJANCIC Damjan ROBLEK Janja VOKUVIC Borut	GUINEA	CAMARA Alpha Seny DIALLO Hawa
SLOVAKIA	BYSTRIANSKA Dana	MOZAMBIQUE	OSVALDA Joana PAPADAKIS Vitalina
SOUTH AFRICA	MAIDOO Megan Lingiah MAKAMU Samuel MAMOSELO Marie RATSHIBVUMO Vincent		



Amendments to the Procedure to be applied to applications for membership of IAJ

On the basis of the Constitution IAJ (Article 2) and the Regulations under the Constitution (Article 11) the Presidency Committee developed in the past a set of rules to be followed when an external association applies for membership or an extraordinary member requests to become ordinary member. These rules were accepted by the Central Council so far.

In the past meetings of the Central Council a debate on the criteria for membership, the status of members and the procedure concerning the assessment of the requirements for membership was started. A working group was set up and drafted a report with a large number of options. This report is still under discussion within the Regional Groups.

The Presidency Committee, in its meeting in Rome on 8-9 July 2011, decided that the proposals included in the above-mentioned report and referring to the procedural aspects can be immediately adopted and applied, since they do not involve any change of the Constitution or of the Regulations under the Constitution.

These amendments concern:

A) Content of the Report:

1. The topics underlying the 49 questions of the model questionnaire adopted by the Presidency Committee should always be deeply examined.
2. Reports and opinions of the UN Human Rights bodies, the World Bank, the regional organisations (OSCE, Council of Europe, OAS, AU, EU...) and others should be considered.
3. Whenever possible, at least one of the rapporteurs should take part in an assembly of the applicant association.

B) Procedure:

1. Immediately after the appointment by the Presidency Committee of the two rapporteurs and after their acceptance of the task, all IAJ Members are informed about the application and the identity of the rapporteurs.
2. The report should be finalized 4 months before the meeting of the Central Council. If in this 4-month interval no Presidency Committee meeting is scheduled, the report must be evaluated by the Members of the PC through email consultations.
3. The report should be distributed to the Member Associations at least 3 months before the meeting of the Central Council.
4. All members can bring in observations not later than 1 month before the meeting of the Central Council.
5. If serious concerns arise because of the knowledge of new elements later than under point 4 above, the Presidency Committee must be informed before the plenary session of the Central Council with the possibility to seize the Presidency Committee before examination in plenary session of the Central Council.
6. If it is not possible to keep this time frame the examination of the application must be postponed to the next meeting.

DELEGATES ATTENDING THE CENTRAL COUNCIL MEETING IN ISTANBUL 2011

Session of 7 September 2011

ALGERIA	AIDOUNI Djamel HIMEUR Camel	DENMARK	SJÖBERG Mikael
ARGENTINA	CABRAL Luis Maria CORDERO Maria FLEMING Abel	ESTONIA	KIKERPILL Rubo LUIK Jaak MEELIS Erik
ARMENIA	KHACHATURYAN Davit PETROSIAN Aghvan SAHAKYAN Tigran SARGSYAN Hrachik STEPANYAN Vardan	FINLAND	JUDSTRÖM Marja-Liisa PORKKALA-HIETALA Anna-Mari
AUSTRALIA	BEAZLEY Margaret DAVIES Jennifer PAGONE G. Tony	FRANCE	DUVAL Virginie VALTON Virginie
BELGIUM	CARETTE Maximiliaan DENECKER Louis LEBE DESSARD Viviane VAN ISEGHEM Pol	GREECE	ALMPOURAS George TSAMI Maria Georgea
BENIN	BOHO NADJO Genevieve MADODE Onesime Gerard SAGBOHAN S.J. Isabelle	HUNGARY	MAKAI Lajos SZABO Sandor
BRAZIL	GALLIANO DAROS Marcos GANDRA MARTINS FILHO Ives ONODERA Marcus	ITALY	BALSAMO Antonio ZUCCARELLI Fausto
BULGARIA	KOUTZKOVA Nelly	IVORY COAST	AMON Laurence COULIBALY Olga KOUASSI Bernard KOUASSI A. Marcelle MOMBLE Messey N'GORAN-THEOKLY Yves PREGNON Lognon Boniface
CANADA	CLACKSON Terry DUTIL Julie MCEWAN Marc MOREAU Mary SUCHE Colleen	JAPAN	MIMURA Akiko MIZUNO Masanori
CONGO R.D.	NKANGA Isofa NSAMBAYI Mutenda Lukusa	KAZAKHSTAN	BAIMOLDINA Zauresh BALKEN Madiyar BORISOV Vladimir SATBAYEVA Gulnar ZHUMABAYEV Serik
CROATIA	SESSA Djuro	LIECHTENSTEIN	HAGEN Lothar NAGEL Jürgen
CYPRUS	LIATSOS Antonis	LUXEMBOURG	GEHLEN Pierre
CZECHIA	VYCKLICKY Jan	MOLDAVIA	DRUTA Ion VIZANT Valentin
		NETHERLANDS	STEENBEECK Maarten VAN ZUTPHEN Reinier

PANAMA	CARRIZO DE MARTINEZ Delia CEDENO SUIRA Maria Leticia		HALL Peter SEYBERT Joanna SIMPSON Charles
			OBSERVERS
PERU	RUBINA ANGULO Elmer	ALBANIA	HAXHIU Julian METALLA Ervin
SENEGAL	BA Abdoulaye DEME Ibrahima NDIAYE Mor	AZERBAIJAN	DJAFAROV Aladin MEHDIYEV Emin
SERBIA	BOLJEVIC Dragana	GUINEA	CAMARA Alpha Seny DIALLO Hawa
SLOVENIA	ROBLEK Janja		
SLOVAKIA	BYSTRIANSKA Dana	MOZAMBIQUE	OSVALDA Joana PAPADAKIS Vitalina
SOUTH AFRICA	MAIDOO Megan Lingiah MAKAMU Samuel MPHO Mamosebo RATSHIBVUMO Vincent TONJENI Tule-Tu S.		
SPAIN	CHAMORRO GONZALEZ Jesus FRIGOLA Carmen		
SWEDEN	ADELWARD Thed BERGENDAHL Marit FLODIN Anna SUNDSTRÖM Erik		
SWITZERLAND	AYER Nicolas CREUX Dominique FREIBURGHaus Dieter GASS Stephan STADELMANN Thomas STEIN Mathias		
TURKEY	AYDIN Oktay BAYNAK Ramaran CAN Ahmet CELIK Celal DURMAZ Cıney SAY Sükrü TANK Mehmet		
UKRAINE	REVA Dmitro REVA Serhiy PRYSZHNIUK Oleg TKACH Viacheslav ZAGORUYKO Vitaliy		
UNITED KINGDOM	MACKAY Ronald		
U.S.A.	DONALD Bernice DUNCAN Allyson FURGESON Royal		



Motion to the IAJ Central Council

In order to safeguard the credibility of IAJ on the one hand, to avoid discrimination and support member associations on the other hand, the Central Council of the IAJ decides to start a process of change of the Statutes on membership with the following goals:

- 1) The IAJ abolishes the extraordinary membership and provides only one status of membership.
- 2) The achievement of independence of the judiciary in the concerned countries should not be considered a criterion for admission of members, but rather evidence of concerted efforts of their judicial associations toward this goal.

In order to allow this change of the Statutes of the IAJ, the two following points will also have to be considered:

- 1) In the future there shall be the possibility of exclusion of member associations also for other than financial reasons.
- 2) To safeguard the fulfillment of the criteria for membership in IAJ each association has to undergo regular monitoring and has to deliver a periodical report on its situation that has to meet certain criteria.

The process of change of statute is to be initiated immediately with the aim of presenting a formal proposal and having a vote of the Central Council in 2012.

DELEGATES ATTENDING THE CENTRAL COUNCIL MEETING IN ISTANBUL 2011

Session of 8 September 2011

ARGENTINA	CABRAL Luis FLEMING Abel Maria GOMEZ ALONSO DE DIAZ Maria Lilia	GREECE	SCHNEIDERHAN Peter ALMPOURAS George TSAMI Maria Georgea
AUSTRALIA	BEAZLEY Margaret	HUNGARY	HALASZ Etelka
BELGIUM	DENECKER Louis VAN ISEGHEM Pol	ICELAND	EINARSDOTTIR Ingveldur
BENIN	BOHO NADJO Genevieve MADODE Onesime Gerard SAGBOHAN S.J. Isabelle	ISRAEL	ALSHECH Varda ZFAT Zila
BRAZIL	ONODERA Marcus	ITALY	BALSAMO Antonio SICA Silvana ZUCCARELLI Fausto
BULGARIA	KOUTZKOVA Nelly	IVORY COAST	COULIBALY Olga MOMBLE Messey PREGNON Lognon Boniface
CANADA	CLACKSON Terry DUTIL Julie MCEWAN Marc MOREAU Mary SUCHE Colleen	JAPAN	MIMURA Akiko MIZUNO Masanori
CONGO R.D.	NKANGA Isofa NSAMBAYI Mutenda Lukusa	LATVIA	BICKOVICS Ivars
CROATIA	SESSA Djuro	LIECHTENSTEIN	HAGEN Lothar NAGEL Jürgen
CYPRUS	KOUSHOS Demetra LIATSOS Antonis	LUXEMBOURG	GEHLEN Pierre
CZECHIA	VYCKLICKY Jan	MOLDAVIA	DRUTA Ion TURCANU Radu
DENMARK	HOYER Ole OLESEN Ole Graesboll SJÖBERG Mikael	NETHERLANDS	BAUDUIN Frans FRIKKEE Karin STEENBEECK Maarten VAN LOKVEN Stephanie
ESTONIA	MEELIS Erik	NORWAY	ANKILL Brit HOLM Havard INGJERD Thune STORHAUG LARSEN Wiggo VIKE Anne Kristin
FINLAND	JUDSTRÖM Marja-Liisa PORKKALA-HIETALA Anna-Mari VANNE Kimmo	PANAMA	CARRIZO DE MARTINEZ Delia CEDENO SUIRA Maria Leticia
FRANCE	DUVAL Virginie VALTON Virginie		
GERMANY	JUENEMANN Lothar		

SENEGAL	BA Abdoulaye DEME Ibrahima NDIAYE Mor
SERBIA	BOLJEVIC Dragana
SLOVAKIA	BYSTRIANSKA Dana
SOUTH AFRICA	MAKAMU Samuel MPHO Mamosebo TONJENI Tule-Tu S.
SPAIN	CHAMORRO GONZALEZ Jesus FRIGOLA CASTILLON Carmen LOPEZ GARCIA DE LA SERRANA Jose Manuel ORELLANA CANO Nuria
SWEDEN	ADELWARD Thed SUNDSTRÖM Erik
SWITZERLAND	CREUX Dominique FREIBURGHaus Dieter GASS Stephan STADELMANN Thomas STEIN Mathias
TURKEY	YUCETURK Zoukert TANK Mehmet
UNITED KINGDOM	MACKAY Ronald
U.S.A.	DONALD Bernice HALL Peter SEYBERT Joanna SIMPSON Charles

OBSERVERS

AZERBAIJAN	DJAFAROV Aladin MEHDIYEV Emin
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The International Association of Judges, at its meeting in Istanbul on September 8th, 2011, unanimously adopted the following

**Resolution
Concerning the Election of Judges in Serbia**

1. The International Association of Judges views with great concern developments in the reorganisation of the judiciary in Serbia, especially the termination of office of judges and the election procedure for the position of judges.
2. In breach of international standards, the office of all judges including those who had permanent tenure was terminated at 31.12.2009 by a law on the regulation of the judiciary. All judges had to apply of new for the position of judge and undergo a procedure before the High Council of Justice. According not only to international observers such as the Council of Europe, OSCE, European Union and European Association of Judges but also two judgments of the Constitutional Court of Serbia, this procedure violated several fundamental rights of a fair trial.
3. At the end of 2010 another law on the regulation of the judiciary altered the jurisdiction for granting remedies against the decisions of the High Council of Justice. That law transferred from the Constitutional Court back to the High Council all of the pending cases in this matter, then numbering more than 800. After long negotiations with the Serbian Judges' Association, and international observers, the High Council of Justice, composed of newly elected members and four members of the old composition, who already were participating in the previous decisions (three members ex officio and one other member), issued a set of rules to be applied in the procedure for review of the decisions of the old High Council of Justice which were under challenge. The Serbian Association of Judges claims that in conducting the review procedure the High Council of Justice does not apply the rules previously established to guarantee a fair trial.
4. IAJ recalls that judges having permanent tenure should only be removed from office either after a disciplinary procedure which fulfils all guarantees of a fair trial or if the judge in question becomes unfit to perform the duties of the office of judge.
5. The IAJ therefore urges the Serbian authorities to address this incompatibility with international standards and to remedy the shortcomings mentioned above and redress all the personal disadvantages which those shortcomings entail for the judges concerned.

Istanbul, September 8th, 2011