



MINUTES OF THE CENTRAL COUNCIL – MEXICO CITY (MEXICO)  
17, 18 and 20 October 2016  
MINUTES

**Session of 17 October 2016**

Present: the President, Mrs. Cristina Crespo, the First Vice-President, Mr. Christophe Régnard, the Vice-Presidents Mr. Rafael De Menezes, Mr. José Manuel Igreja Matos, Mr. Cagney Musi, Mr. Gaetano Pagone and Mr. Đuro Sessa; the Honorary Presidents Mr. Sidnei Beneti, Mr. José Maria Bento Company, Mr. Gerhard Reissner and Mr. Günter Woratsch; the Secretary-General, Mr. Giacomo Oberto; the Deputy Secretaries-General, Mr. Galileo D'Agostino and Mr. Lucio Aschettino; the IAJ representatives at the UN seats in New York and Geneva, Mrs. Louise Mailhot and Mr. Pierre Zappelli, as well as the delegates of the following national associations:

ALBANIA (PROXY TO ITALY)	LIBERIA (OBSERVER)
ALGERIA	LIECHTENSTEIN
ARGENTINA	LITHUANIA
ARMENIA	LUXEMBURG
AUSTRALIA	MAURITANIA (OBSERVER)
AUSTRIA	MEXICO
AZERBAIJAN	MONGOLIA (PROXY TO CANADA)
BELGIUM	MONTENEGRO
BENIN	MOROCCO
BERMUDA	(THE) NETHERLANDS
BOSNIA AND HERZEGOVINA (PROXY TO CROATIA)	NIGER
BRAZIL	NORWAY
BULGARIA	PANAMA
CANADA	PARAGUAY
CHILE	PERU
COLOMBIA	PORTUGAL
COSTA RICA	PUERTO RICO
CROATIA	REPUBLIC OF CHINA - TAIWAN
CZECH REPUBLIC (PROXY TO HON. PRES. WORATSCH)	SÃO TOME AND PRÍNCIPE (OBSERVER)
DENMARK	SENEGAL
DOMINICAN REPUBLIC	SERBIA (PROXY TO SLOVENIA)
ESTONIA	SLOVAKIA (PROXY TO HUNGARY)
FINLAND	SLOVENIA
FRANCE	SOUTH AFRICA
GEORGIA	SPAIN
GERMANY	SWEDEN
GREECE	SWITZERLAND
HUNGARY	TOGO
ICELAND	TUNISIA
IRELAND	TURKEY (PROXY TO SWITZERLAND)

ISRAEL	UKRAINE
ITALY	UNITED KINGDOM
IVORY COAST	URUGUAY
KAZAKHSTAN	USA

President Crespo opened the meeting of the Central Council at 9.10, by welcoming all present. She then invited the Assembly to observe a minute of silence in memory of Mr. Nsambayi Lukusa Mutenda, President of the Congolese *Syndicat National Autonome des Magistrats du Congo (SYNAMAC)*.

She then congratulated Ms. Louise Mailhot, to whom the ANAO Group granted the “Louise Mailhot Medallion” for her activities

President Crespo then gave the floor to Mr. Edgar Elias Azar, President of the *Comisión Nacional de Tribunales Superiores de Justicia de los Estados Unidos Mexicanos (CONATRIIB)*, who delivered a welcome speech to the Assembly.

Secretary-General Oberto then gave the Assembly some practical information about the meeting and the agenda of the day and afterwards President Crespo started the exam of the first point in the agenda.

### **1. Checking the votes and proxies;**

The Secretary-General carried out a check on votes and proxies: 65 members and 3 observers were present (in attendance or by proxy). The seven proxies were the following: from the association of Albania to the association of Italy; from the association of Bosnia and Herzegovina to the association of Croatia; from the association of Czech Republic to Honorary President Woratsch; from the association of Mongolia to the association of Canada; from the association of Serbia to the association of Slovenia; from the association of Slovakia to the association of Hungary and from the association of Turkey to the association of Switzerland.

### **2. Appointment of delegates to count the votes;**

The President asked the assembly if there were three or more delegates who agreed to assume the responsibility of counting the votes. Mrs. Cristina Marzagalli (Italy), Mr. Francisco Silla (Spain) and Mr. Mohamed Khadraoui (Morocco) were unanimously given the responsibility of counting the votes.

### **3. Appointment of auditors to examine the accounts and the financial report and to report;**

Upon proposal of the President, the assembly unanimously appointed Mr. Walter Barone (Brazil) and Mrs. Cristina Marzagalli (Italy) as auditors responsible for scrutinising the annual accounts and financial report and for reporting on it to the Central Council.

### **4. Candidatures for President, six Vice-Presidents, Secretary-General and Deputy Secretaries-General;**

Secretary-General Oberto informed the Assembly that, so far, the General Secretariat had received the candidatures (in writing) for the post of IAJ President by Mr. Christophe Régnard; for the posts of Vice-President by Mr. Rafael De Menezes (Brazil), Mr. José Manuel Igreja Matos (Portugal), Mr. Cagney Musi (South Africa), Mr. Tony Pagone (Australia), Mr. Đuro Sessa (Croatia), Mr. Mikael Sjoberg (Denmark), Mr. Thomas Stadelman (Switzerland).

Mr. Oberto explained that the IAJ President submitted in writing the candidatures of the members of the General Secretariat, Mr. Giacomo Oberto for the post of Secretary-General, Mr. Raffaele Gargiulo, Mr. Galileo D’Agostino and Mr. Lucio Aschettino for the posts of Deputy Secretaries-General.

President Crespo informed the Assembly that delegates could make their speeches of endorsement in this session or the following day.

### **5. Approval of the minutes of the meeting held in Barcelona;**

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

## **6. Possible discussion on:**

### **6.1. written report of the President of the I.A.J.;**

### **6.2. written report of the Secretary-General;**

### **6.3. written reports of the Vice-Presidents responsible of the Regional Groups and their reports on the Regional Groups meetings in Mexico City;**

President Crespo referred to her written report and invited the delegates to ask any possible clarification they needed on the report. Having received no remarks the President stated the report as approved.

Secretary-General Oberto referred to his written report and invited the delegates to ask any possible clarification they needed on the report. Mr. Zuccarelli (Italy) took the floor to express his warmest thanks to colleagues of the General Secretariat and, in particular, to Mr. Oberto for the excellent work done till now. Taking specific account of the feelings expressed by Mr. Oberto in his report, Mr. Zuccarelli proposed to the Central Council and to all national associations to approve a recommendation to the competent Italian judicial authorities underlining that the engagement in international organizations of judges deserves a different arrangement of the workload.

Mr. Oberto said he was touched by the speech and thanked Mr. Zuccarelli.

First Vice-President Régnard referred to the report he wrote in his capacity as President of the EAJ. He underlined in particular the situation in Turkey, where the independence of the judiciary is jeopardized. After the EAJ meeting in Jerusalem, he sent a letter to Turkish authorities, which did not reply. Then, after the coup in mid-July, the Government took the occasion to attack the judiciary, the independent media, the universities and any other professional category critical towards its activities. About 3500 judges were dismissed on grounds like the knowledge of the English language. On the English page of the Turkish High Council it was available the text of the “Reasoned Decision of Dismissal”.

Mr. Pagone referred to the report he wrote in his capacity as President of the ANAO Group. He underlined that the ANAO Group celebrated the day before its 19th anniversary. The event was marked with the delivery of the “Louise Mailhot Medallion” to Ms. Louise Mailhot herself, in acknowledgement of the enormous work done along many years for the ANAO Group and the IAJ as a whole. The Central Council applauded Ms. Mailhot.

Mr. Musi referred to the report he wrote in his capacity as President of the African Group. He mentioned specifically the decision of the Group to adhere to the African Economic Crimes Forum ([www.afec-forum.org](http://www.afec-forum.org)), which is a London based multi-disciplinary platform, among whose activities there is the fight against corruption. Mr. Musi then mentioned the debate on the idea of changing the name of the Group into Union of African Judges, which ended up in a contrary vote. A major problem in the Group is also the difficulty in having effective communication between the members, because of the language gap. Finally, he endorsed, on behalf of the Group, the applications for membership by the associations of Mauritania and Sao Tome.

Mr. De Menezes referred to the report he wrote in his capacity as President of the Ibero-American Group. Having received no remarks the President stated the report as approved.

## **7. Associations which have not paid their contributions for several years;**

Secretary-General Oberto underlined that the topic was strictly linked to item 10 and informed the Assembly about the imminent dissemination of the documents concerning budget.

Mr. Oberto then recalled the rule under article 5.2 of the Constitution - according to which “If the payment of a member’s subscription is in arrears of over three years, that member shall cease to belong to the Association unless the Central Council decides to the contrary” - and the decision taken by the Central Council in 2015, according to which “the membership [would not have ceased] until the 2016 meeting”. Since the Association of Guatemala did not settle its arrears, it must now be considered as expelled from the IAJ.

President Crespo added that the IBA Group attempted several times to contact the Guatemalan Association, with no result. Therefore, there was no argument to preserve the membership.

Ms. Crespo then underlined that the Italian association (ANM) gives an important support to the functioning of the General Secretariat, crediting each year an extra amount of € 12,395. The IAJ is extremely grateful to the ANM and congratulates it on its tight relationship with the IAJ.

The delegates from Algeria, Morocco and Niger took the floor to ask the Assembly not to expel the association of Guatemala on the mere basis of financial considerations and to consider the possibility of amending the rule. President Crespo gave the floor to the President of IBA Group, and Mr. De Menezes explained the Assembly that the Group made every possible effort to re-establish contact with the association, with no results at all.

Secretary-General Oberto, upon request of President Crespo, illustrated the rules concerning the amendment of the Constitution and the possibility for the Central Council to decide against the automatic exclusion of associations having huge arrears.

The delegate of Norway informed the Central Council about a cooperation project of the Norwegian association in Guatemala, thanks to which they discover that there is no association of judges in the country, at present, and that local judges are trying to set up an association now.

The delegates of Panama, Spain and Colombia asked the Central Council to wait for one more year and the delegate of Algeria suggested a solidarity contribution. Vice-President Igreja underlined that, according to the news provided by the Norwegian association, there was no more a Guatemalan association, and First Vice-President added that it would be unfair to make the nascent new association inherit the debts of the old one.

At the end of the debate, the Central Council took note that the Guatemalan association was no more member of the IAJ.

The session was closed at 10.50.

### Session of 18 October 2016

Present: the President, Mrs. Cristina Crespo, the First Vice-President, Mr. Christophe Régnard, the Vice-Presidents Mr. Rafael De Menezes, Mr. José Manuel Igreja Matos, Mr. Cagney Musi, Mr. Gaetano Pagone and Mr. Đuro Sessa; the Honorary Presidents Mr. Sidnei Beneti, Mr. José Maria Bento Company, Mr. Gerhard Reissner and Mr. Günter Woratsch; the Secretary-General, Mr. Giacomo Oberto; the Deputy Secretaries-General, Mr. Galileo D'Agostino and Mr. Lucio Aschettino; the IAJ representatives at the UN seats in New York and Geneva, Mrs. Louise Mailhot and Mr. Pierre Zappelli, as well as the delegates of the following national associations:

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The meeting started at 9.15.

President Crespo invited the Assembly to observe a minute of silence in memory of the Mexican judge Vicente Antonio Bermudas Zacarias assassinated by drug traffickers.

Secretary-General Oberto informed the delegations about the distribution of the financial papers, the ballot papers and the list of the candidates to the elections.

Upon proposal of President Crespo, the Central Council then approved the replacement of one of the delegates to count the votes, who got also the responsibility of auditing the budget. Ms. Maria Carmen Novais de Gavilan (Paraguay) will therefore replace Ms. Marzagalli.

President Crespo the announced the vote on the admission of the associations of Sao Tome and Mauritania and asked the two delegations to leave the meeting hall.

#### **8. Applications for membership: Mauritania, Sao Tomé e Príncipe;**

President Crespo invited the rapporteurs on the application of the Mauritanian association to take the floor. Ms. Viviane Lebe Dessard explained that the first rapporteur, Mr. Aziz Seck (Senegal), was not included in his national delegation, and then summarized the content of the report (distributed to the IAJ members on July 9, 2016), concluding with the recommendation to admit the association.

Ms. Thorsteinsdottir (Iceland) highlighted some perplexity on the situation of democratic institutions in the country. First Vice-President Régnard underlined that, reforming its Constitution, the IAJ decided to prioritize the engagement of a local association in favor of the independence rather the situation of the country. A debate followed, with the participation of the delegates from Algeria, Morocco, Tunisia, Peru and Senegal who all stressed the importance of the admission to the IAJ to enable the association to better fight for the independence, as well as the importance of solidarity among the judiciaries worldwide and within the IAJ. Ms. Lebe Dessard added some words on the important role played by the association in view of the adoption of important recent legislative reforms, such as the establishment of courts specialized in the fight against slavery.

President Crespo opened the vote: there were two abstentions and no contrary vote and the Association of Judges of Mauritania was admitted by the Central Council as an IAJ member.

The delegates of Mauritania were invited to join again the meeting and they delivered a speech, thanking the Central Council.

President Crespo then gave the floor to Vice-President De Menezes, first rapporteur on the application submitted by the association of Sao Tome (the second was Mr. Momblé Messey, Ivory Coast). He summarized the content of the report (distributed to the IAJ members on July 12, 2016), concluding with the recommendation to admit the association. The delegates of Portugal, Costa Rica, Puerto Rico, Brazil took the floor to endorse the admission of the association.

President Crespo opened the vote and the Association of Judges of Sao Tome was unanimously admitted by the Central Council as an IAJ member.

The delegates of Sao Tome were invited to join again the meeting and they delivered a speech, thanking the Central Council.

President Crespo then passed onto point 13 of the agenda.

### **13. Election of the President, First Vice-President and other Vice-Presidents, Secretary-General and Deputy Secretaries-General;**

The Secretary-General, upon delegation by the President, introduced this item by recalling the statutory provisions on elections. He added that all members attending the meeting had voting right. He then explained that the Assembly was going to vote first for the President of the IAJ, then for the members of the General Secretariat and after for the six Vice-Presidents.

He added that there was only one candidate for the post of President of the IAJ, i.e. the present First Vice-President Christophe Régnard. The delegates from Algeria, Mauritania and Brazil endorsed this candidature. President Crespo called for an open vote and Mr. Régnard was elected President by acclamation. Mr. Régnard took the floor to thank the assembly.

Mr. Régnard took on the chair of the session and called for an open vote on the candidatures for the posts of Secretary-General and Deputy Secretaries-General. Mr. Oberto was re-elected by acclamation Secretary-General of the IAJ. Mr. D'Agostino, Mr. Gargiulo and Mr. Aschettino were unanimously re-elected Deputy Secretaries-General.

Secretary-General Oberto then recalled the rules for the election of the IAJ Vice-Presidents and, in particular, the obligation to include in every vote at least one candidate of each Regional Group. He then listed the names of candidates for the posts of Vice-President.

Mr. Stadelman and Mr. Sjoberg made a joint declaration to explain that they both endorsed the candidatures of Mr. Sessa and Mr. Igreja Matos and were striving for the third place left. The delegates of France and Austria took the floor to endorse the candidature of Mr. Sessa. The delegate of Belgium took the floor to endorse the candidatures of Mr. Sessa and Mr. Igreja Matos and to thank the new candidates, Mr. Stadelmann and Mr. Sjoberg for their fair play. The delegates of Algeria and Niger took the floor to endorse the candidature of Mr. Musi. The delegates of Argentina, Spain and Brazil took the floor to endorse the candidature of Mr. De Menezes. The delegate of Iceland took the floor to endorse the candidature of Mr. Sjoberg.

Mr. Oberto then started the voting procedures and announced that the total number of associations admitted to the voting (directly or by proxy) was 70.

Elections followed by secret ballot. After that, the commission of delegates elected to count the votes performed its task.

President Régnard asked the assembly to designate the former President, Mrs. Cristina Crespo, as Honorary President of the IAJ. The assembly approved by acclamation.

President Régnard then passed onto the examination of point 9 of the agenda.

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Cristina Crespo  
President

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Giacomo Oberto  
Secretary-General

### **9. Priorities for the work of the Presidency Committee and I.A.J. for the triennium 2015-2017;**

President Régnard then informed the Central Council about the works for the updating of the Universal Charter of the Judge. He explained the main structure of the revised Universal Charter, where there are some new articles, an introduction and references to international instruments. The new articles concern irremovability, the High Councils for the Judiciary, the resources for justice and administration of courts, the security of judges, the respect of decisions by politicians, the workload. The idea of the working group is to finalize the text before the springtime meetings of the Regional Groups and to adopt the new Charter during the Central Council in 2017.

Vice-President Igreja Matos took then the floor to illustrate the projects on corruption: the Associations of Argentina and Chile are interested in organizing events after the conference that will take place in February in Lima, Peru. He explained also the structure of the conference, which will have two panels, one for Latin America and one for the rest of the world. One of the guests of the conference will be Mr. David Rivkin, President of the International Bar Association.

President Régnard finally mentioned the efforts made by the members of the Presidency Committee to encourage the adhesion of new members to the IAJ and to foster the establishment of associations of judges in countries where they do not exist at all. The Presidency Committee is considering the drafting of a model constitution to be proposed as an example to judges in these countries.

#### **10. Budget of the International Association of Judges;**

The IAJ Treasurer, Mr. Galileo D'Agostino, took the floor to inform the Central Council about the balance sheet and the budget for next year. He underlined that there were no excesses of items at the date of the meeting.

As to the new budget, the Presidency Committee decided to grant a bonus of 10.000 Euro to finance translations for the Study Commissions. Therefore, there is a new item in the budget for these translations and only for them: the bonus will be given only if the translation service for the Study Commissions is organized.

Finally Mr. D'Agostino illustrated the general trend in the payment of annual contributions.

President Régnard thanked Mr. D'Agostino for the excellent work done. No remarks were made by the Central Council on the report and, upon proposal of the IAJ President, the Assembly unanimously approved it as well as the draft budget for the year 2016-2017 (enclosure).

#### **11. Report by the auditors;**

Upon recommendation of Justice Barone and Justice Marzagalli, who were appointed by the Central Council to audit the accounts, the Assembly unanimously approved the financial report and the closed budget for the year 2015-2016 and discharged the General Secretariat of any responsibility in this respect. President Régnard expressed a special thanks to the Treasurer and the Assistants to the General Secretariat for the accurate keeping of the accounts.

#### **12. Monitoring procedure (Article 13, § 9 of I.A.J. Regulations);**

Vice-President Igreja Matos summarized the content of his report and underlined that the compilation of the periodical report is mandatory for IAJ members.

Secretary-General Oberto explained where to find the report in the IAJ website.

Upon request of Mr. Freiburghaus (Switzerland) who asked what the consequences would be for the associations that did not fill in the report, Mr. Igreja Matos said that the EAJ decided to notify the interested associations a deadline of three months, after which the EAJ will charge a rapporteur.

President Régnard added that the Presidency Committee decided that the Regional Groups should deal with the matter first.

#### **14. I.A.J. and others:**

##### **14.1. I.A.J. and Hague Conference;**

##### **14.2. Possible discussion on written reports by I.A.J.'s Representatives at the U.N.O.;**

##### **14.3. Possible discussion on written report by the Executive-President of the Foundation "Justice in the World";**

President Régnard recalled that the General Secretariat distributed all the reports and then gave the floor to Ms. Mailhot and Mr. Zappelli, who underlined particular aspects of their respective activities.

Ms. Benbelhassen (Tunisia), took the floor to inform the Central Council about the fact that Tunisia will undergo its Universal Periodic Review in May 2017 and the Human Rights Council will examine several aspects, among which the independence of the judiciary.

President Régnard then announced that the delegates elected to count the votes were ready to communicate the results.

Following the results of the elections by secret ballot, Mr. De Menezes (69 votes), Mr. Musi (69 votes), Mr. Pagone (69 votes), Mr. Igreja Matos (67 votes), Mr. Sessa (67 votes) and Mr. Sjöberg (44 votes) were elected IAJ Vice-Presidents. Mr. Stadelmann obtained 29 votes.

President Régnard asked whether there were candidatures for the post of First Vice-President.

The Canadian delegation proposed the candidature of Vice-President Pagone and the delegates of the associations of Portugal, USA, Brazil and Bermuda took the floor to endorse the proposal.

President Régnard took note that there were no other candidates and called for an open vote. Mr. Pagone was elected by acclamation First Vice-President of the IAJ.

The delegation of the Panamanian Association took the floor to give a recognition to Honorary President Crespo, to Mr. Elias Azar and to the Mexican Association.

The session was closed at 11.50.

### Session of 20 October 2016

Present: the President, Mrs. Cristina Crespo, the First Vice-President, Mr. Christophe Régnard, the Vice-Presidents Mr. Rafael De Menezes, Mr. José Manuel Igreja Matos, Mr. Cagney Musi, Mr. Gaetano Pagone and Mr. Duro Sessa; the Honorary Presidents Mr. Sidnei Beneti, Mr. José Maria Bento Company, Mr. Gerhard Reissner and Mr. Günter Woratsch; the Secretary-General, Mr. Giacomo Oberto; the Deputy Secretaries-General, Mr. Galileo D'Agostino and Mr. Lucio Aschettino; the IAJ representatives at the UN seats in New York and Geneva, Mrs. Louise Mailhot and Mr. Pierre Zappelli, as well as the delegates of the following national associations:

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GERMANY	SLOVENIA
GREECE	SOUTH AFRICA
HUNGARY	SPAIN
ICELAND	SWEDEN
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KAZAKHSTAN	UKRAINE
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LIBERIA (OBSERVER)	URUGUAY
	USA

The meeting started at 9.00.



### **14.3. Possible discussion on written report by the Executive-President of the Foundation “Justice in the World”;**

President Régnard referred to the written report sent by the Executive President of the Foundation and mentioned the decision of the Presidency Committee not to have the ceremony for the delivery of the Prize “Justice in the World” on the occasion of the 2017 annual meeting of the IAJ, because the agenda of that meeting is full.

### **16. Reports by the Presidents of the Study-Commissions. Selection of the new subjects;**

President Régnard called on the Presidents of the four Study Commissions to report on the conclusions of the Commissions on their respective subjects: “The best practices within the judicial system for ensuring transparency and integrity and preventing corruption” (1<sup>st</sup> Study Commission: Ms. Roslyn Atkinson); “Class action” (2<sup>nd</sup> Study Commission: Mr. Thomas Cyr); “Sentencing of criminal offenders” (3<sup>rd</sup> Study Commission: Mr. Chuck Simpson); “Social networks and labour relations” (4<sup>th</sup> Study Commission: Mr. Philippe Bron).

The Presidents also proposed the subjects to be dealt with by the Study Commissions in 2017: “The threats to the Independence of the judiciary and the Quality of Justice: workload, resources and budget” (1<sup>st</sup> Study Commission); “The use of technology in civil litigation matters” (2<sup>nd</sup> Study Commission); “The Sentencing of Criminal Offenders, part II” (3<sup>rd</sup> Study Commission); “Flexible and emerging labor relationship” (4<sup>th</sup> Study Commission).

The Central Council approved the conclusions as well as the proposed topics for 2017.

The Boards of the 4 Study Commissions will be the following:

1st – President: Mrs. Roslyn Atkinson (Australia); Special Vice-president: Mr. Mehmet Tank (Turkey); Vice-presidents: Mr. Thomas Stadelman (Switzerland), Mrs. Virginie Duval (France); Secretary: Mr. Michael Tamir (Israel), Mr. Walter Barone (Brazil).

2nd – President: Mr. Thomas Cyr (Canada); Vice-presidents: Mr. John Edwards (Ireland), Mrs. Mette Soegaard Vammen (Denmark); Secretary: Mrs. Carole Besch (Luxembourg).

3rd – President: Mr. Charles Simpson (USA); Vice-Presidents: Mrs. Lene Sigvardt (Denmark), Mr. Dieter Freiburghaus (Switzerland).

4th – President: Mr. Philippe Bron (Belgium); Vice-presidents: Mrs. Julie Dutil (Canada) and Mrs. Rachel Barkai (Israel).

Ms. Lebe Dessard (Belgium) took the floor to express the wish that the works of the Study Commissions are better emphasized as well as the role of the Boards of the Study Commissions.

### **16. Meetings of the IAJ in the next years;**

President Régnard recalled the rules for the presentation of candidatures to host the annual IAJ meeting and informed the Assembly that the Association of Chile applied to organize the 2017 Central Council meeting.

Mr. Delgado (Chile) took the floor to present the candidature. Upon request of President Régnard, Mr. Delgado added that the meeting will take place in Santiago at the end of October or in the first week of November.

### **17. Miscellanea.**

President Régnard gave the floor to First Vice-President, who informed the Assembly about the reasons of the lacking participation of the Iraqi delegate, who did not come to Mexico because he was undergoing a disciplinary hearing and did not get a visa. Mr. Pagone received a copy of an order made by the Supreme Judicial Council of Iraq dated 26<sup>th</sup> of September: five people were appointed to take over and manage the association until new elections can be made.

Afterwards, Mr. Pagone informed the Central Council about the fact that Mexican authorities at the international airport refused to let the delegation of East Timor enter the country. Nevertheless, this event will not jeopardize the application for membership submitted by that association.

President Régnard then took the floor to inform the assembly about the situation in Turkey and the news received from the lawyer of Mr. Arslan. He added that the EAJ prepared a draft resolution, translated also in French and Spanish, for the approval by the Central Council. He then gave the floor to Mr. Gass, who illustrated the text to the assembly. After a debate, the Central Council unanimously

approved the document and decided to address it specifically to each of the international organizations yonder mentioned the UN, the EU and the Council of Europe.

President Régnard then added that the Presidency Committee decided to send a letter to the Turkish authorities concerning the arrest and detention of the President of Yarsav, to protest against the arrest. The Central Council unanimously endorsed the decision.

President Régnard informed the Central Council about the debate that took place within the EAJ on the establishment of a special “provident fund” to help European judges, and their families, in difficulty because of the fulfillment of their institutional duties. Into the special fund would flow money coming from the EAJ budget, from donations by member associations or third parties, and it would be used to cover costs for the legal counsel or for the assistance to the families of dismissed and imprisoned judges. The EAJ Working Group on the situation of member associations prepared a draft regulation of the fund, which foresees the creation of a Committee charged to decide who will benefit in concrete of the resources of the fund. The requirement to accede to the fund is that the judge is unfairly dismissed because of the legitimate exercise of his/her judicial functions.

Mr. Régnard explained that it was necessary the approval of the fund by the Central Council because the IAJ Constitution does not allow to request money from national associations without the consent of the Council and because the fund can be created only within the general budget of the IAJ, since Regional Groups do not have individual budgets.

He then asked whether there was any contrary vote or abstention and, having received a negative answer, stated the motion on the establishment of a special provident fund as unanimously approved.

President Régnard then invited the members of the Central Council to take the floor, if they wished, for their communications to the assembly.

The President of the Colombian Association explained the assembly that the association did not participate in IAJ activities because it was engaged in the fight for independence inside the country. Also, the ongoing peace process between the FARC and the government established a concurrent judicial system, the *tribunal special de justicia para la paz*, which shows that, in the country, the autonomy of judges is still threatened.

Mr. Stadelman took the floor to inform the assembly that anyone could add some words to a letter of support for the President of Yarsav.

Ms. Sanches (Uruguay) took the floor to thank Honorary President Crespo for the work done in her capacity as President of the IAJ.

The President of the Association of Chile took the floor to describe the judicial system in his country and to illustrate the concept of internal independence and the role of the Supreme Court.

President Régnard then congratulated the associations of Sao Tome and Mauritania for their admission as IAJ members.

He thanked the Mexican association for the perfect organization of the meeting, the simultaneous translations for the Central Council, the Regional Groups and the Study Commissions, the visit to Tehotihuacan.

The meeting was closed at 11.00.

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Christophe Régnard  
President

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Giacomo Oberto  
Secretary-General

Enclosures:

- financial documents;
- resolution on Turkey.