



**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

Trondheim (Norway)

24th September 2007 (12.30 – 14.15)

26th September 2007 (14.30 – 18.00)

27th September 2007 (10.00 – 12.00)

Session of 24th September

Present: the President, Mrs. Maja Tratnik, the First Vice-President, Mr José Maria Bento Company, The Vice-Presidents Mrs. Fatoumata Diakite, Mrs. Joanna Seybert, Mr Bjorn Solbakken, Mr Guinther Spode, Mr Virgilijus Valancius; the Honorary Presidents Mr Sidnei Beneti, Mr Massimo Bonomo, Mr Arne Christiansen, Mr Ernst Markel and Mr Günter Woratsch; the Secretary-General, Mr Antonio Mura; the Deputy Secretaries-General, Mr Giacomo Oberto, Mr Galileo D'Agostino, Mr Raffaello Gargiulo and Mr Lucio Aschettino, 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):

ARGENTINA	LUXEMBOURG
ARMENIA (EXTR. MEMBER)	MALI
AUSTRALIA	MALTA (PROXY TO ITALY)
AUSTRIA	MEXICO
BELGIUM	MOROCCO
BOSNIA (OBSERVER)	NETHERLANDS
BRAZIL	NORWAY
CANADA	PANAMA
CROATIA	PARAGUAY
DENMARK	POLAND
EL SALVADOR (OBSERVER)	PORTUGAL
ESTONIA	PUERTO RICO
FINLAND	REP. OF CHINA (TAIWAN)
FRANCE	ROMANIA
GERMANY	SLOVENIA
HUNGARY	SOUTH AFRICA
ICELAND	SPAIN
IRELAND	SWEDEN
ISRAEL	SWITZERLAND
ITALY	THE FORMER YUGOSLAV REP. OF MACEDONIA
IVORY COAST	TOGO
JAPAN	TUNISIA
KAZAKHSTAN (EXTR. MEMBER)	UKRAINE (EXTR. MEMBER)
LATVIA	UNITED KINGDOM
LIECHTENSTEIN	UNITED STATES OF AMERICA
LITHUANIA	URUGUAY

The official inauguration ceremony took place in the presence of HRH Crown Prince of Norway. During this event the President of the Norwegian Association of Judges, Mr Bjorn Solbakken, the Chief Justice of the Supreme Court of Norway, Mr Tore Schei, the Minister of Justice and Police, Mr Knut Storberget, the President of the IAJ, Mrs. Maja Tratnik, the Chairman of the Board of the National Courts Administration of Norway, Mr Karl Arne Utgard and the Senior Advisor at Norwegian Agency for Development Cooperation (Norad), Mrs. Eva Joly, took the floor.

After this ceremony, President Tratnik opened the meeting at 12.30 p.m. by welcoming all present. She expressed the deepest gratitude of the IAJ to the local Authorities as well as to the Norwegian association for the perfect organisation of the meeting and for their generous hospitality. President Tratnik welcomed the observers (Algeria, Benin, Bermuda, Bosnia and Herzegovina, El Salvador) and underlined the presence of Honorary Presidents Beneti, Bonomo, Christiansen, Markel and Woratsch, announcing that Honorary Presidents Girard and Rodriguez Arribas had informed her that they could not attend the meeting. Tracing the history of the IAJ, she remarked that communications among members and with the Secretariat had increased dramatically in the last years. She then evoked the decision to deliver to all member associations the minutes of the meetings of Regional Groups, as well as the newsletters of ANAO Group and of the European Association of Judges. She invited all associations to reply to the questionnaire on the activities of the IAJ, prepared by the General Secretariat developing an initiative of the Ibero-American Group, in order to allow the Presidency Committee to know how to improve the work in the IAJ.

She then proceeded to examine the points on the agenda.

1. Approval of the minutes of the meeting held in Siofok (documentation: letter of 23rd May 2007):

The minutes of the meeting held in Siofok in 2006 were unanimously approved.

It is established that, for the future, all the minutes of Central Council meetings will be considered approved if the IAJ General Secretariat receives no remarks by member associations within one month from the distribution of the drafts by e-mail.

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

Upon proposal of the President, the assembly unanimously appointed Mrs. Van Schalwyk (South Africa) and Mr. Zuccarelli (Italy) as auditors responsible for scrutinising the annual accounts and the financial report and for reporting on it to the Central Council.

3. Report by the President of the IAJ and of the Foundation "Justice in the World": discussion:

President Tratnik referred to her written report, which had been sent to all national associations. She pointed out that the International Association of Judges, in cooperation with the Judges Association of Togo, had organized an international conference on the subject "The independence of the Judiciary". This event took place from 12 to 15 November 2006 under the perfect organization of Mr. Aboudou Assouma and the Judges Association of Togo. The conference, which was a great success, showed that different threats to the independence of the judiciary could be seen on all continents.

After this the German Association of Judges, in cooperation with the European Association of Judges, had organized a seminar on the subject "Standards of the Defendant's Rights in the member states of the European Union", which was held on 1 to 2 December 2006 in Berlin. As for the Council of Europe, The European Committee on Legal Co-operation (CDCJ) agreed to update the Recommendation No R (94) 12 on the independence, efficiency and role of judges in the light of new ideas and practices concerning judicial services and their functioning in Europe. A group of specialists (among which, also the President of the IAJ) was established in order to carry out this task and charged of proposing an updating or amendment of the Recommendation. The last meeting of the group is scheduled for the November 2007, when the work of the group should be concluded.

The Austrian Association of Judges organized on 23 March 2007 a celebration of its 100 years. The President of the Austrian Association of Judges Mrs. Barbara Helige, who presented the

development and the work done by the association in the past, opened the ceremony, which took place in historical Hofburg. The President of the Republic of Austria addressed the audience and emphasized in his speech the professionalism and quality of Austrian judges. The President of the IAJ (who represented also the President of the EAJ, who due to other obligations was not able to attend the ceremony) gave the speech of congratulations and thanked the Austrian colleagues for their work done from the very beginning for the IAJ and EAJ and delivered an IAJ medal to the Austrian Association of judges for the celebration of its 100 years of activity.

President Tratnik informed as well the assembly that she had participated in the meetings of the EAJ (held Valencia, Spain, March 2007), of the Ibero-American Group (held in Buenos Aires Argentine, April 2007) and of the African Group (held in Abidjan, Ivory Coast, April 2007). She took also part in the meeting of the Board of Trustees of the Foundation "Justice in the World," (Madrid, Spain, April 2007) and in the ceremony for awarding the price "Justice in the World," which was held on 19 April 2007 in Madrid, organized by the *Comunidad de Madrid* and the Foundation. By the decision of the Jury of the Foundation the award was delivered to the International Criminal Court for the Former Yugoslavia (ICTY), for its achievements, in particular for the independence under which it carries out its mandate.

President Tratnik also chaired the regular mid-year meeting of the Presidency Committee, which was held in Rome on 18th and 19th May 2007 in the premises of the Italian Association of Judges at the Supreme Court, perfectly organized by the General Secretariat of the IAJ. During that meeting it was decided, for the future, to appoint for each new application of national association for membership in the IAJ, two rapporteurs: one charged to visit the respective country and the other to gather information by other sources (Internet, personal contact with colleagues, examination of relevant documents etc.). As a rule, one rapporteur will be chosen from among a country of the same region of the applicant association, while the second one will be chosen from a different region. The rapporteurs should prepare the report in the way proposed by the Memorandum of the IAJ's WG on criteria and procedure to be adopted in the case for membership of the IAJ (enclosed to the minutes of the IAJ meeting in Siofok). The final report should be signed together by the two rapporteurs (except when they do not agree on the content and conclusions).

The assembly unanimously approved the President's report.

4. Report by the Secretary-General: discussion;

The Secretary-General Mr Mura referred to his written report, which had been sent to all delegates. He expressed his satisfaction with the way Norwegian colleagues had prepared the meeting, which constituted an example of perfectly working co-operation with the IAJ Secretariat-General. He pointed out that the preparation of IAJ meetings is getting more and more demanding and thanked the other members of the Secretariat and Mrs. Scolart for the help provided. He added he was thinking to reshape IAJ's website and therefore he had contacted a technician who would soon make proposals. Any suggestion from delegates would be welcome. He added that the financial report had been prepared this time in a different and more readable way and proposed to enhance the technical devices of the Secretariat in order to better meet the increasingly demanding work within our growing organisation.

The President thanked the General Secretariat and the assembly approved the report of the Secretary-General.

President Tratnik thanked as well the working group chaired by Mr Aikens for drawing guidelines to examine new applications for membership.

5. Reports by the Vice-Presidents responsible of the regional groups: discussion;

The President of the African Group, Mrs. Diakite, took the floor to inform first of all the assembly about works of the IAJ's international conference held in Lomé (Togo) in November 2006, which had been a great success. She thanked all colleagues who had participated in it, so contributing to its remarkable results. She then spoke of her participation in the meeting of the Presidency Committee

in Rome, in May 2007 and of the meeting held in Abidjan by the Group. She then focused on her participation in the Seminar organised by Algerian Association on subjects of professional ethics. In that occasion she had also had talks with Algerian colleagues in view of the preparation of her report on the application of local association for membership in the IAJ. The Group was still trying to re-establish contacts with associations of Egypt and Tanzania.

The President of the ANAO Group, Mrs. Seybert, took then the floor, referring to her written report, which dealt mainly with the results of the meeting in New York, that was held on 7-11 November 2006. With the assistance of the IAJ's officers, this truly culturally and geographically diverse group was able to meet for the first time outside the annual world meeting. The unique format of the symposium "National Judiciaries and Globalization" was made possible by the co-sponsorship of St. John's University School of Law, the IAJ and ANAO. Mrs. Seybert added ANAO's primary means of communication remained the exchange of newsletters by email and these newsletters were attached to her paper. This past year, newsletters were received from the Federal Judges Association of the United States, the Australian Judges Association, the Canadian Judges Association, the Japanese Judges Association, the Taiwanese Judges Association and the Puerto Rico Judges Association. President Seybert informed as well on various meetings and conference in which she had represented the IAJ, adding that the association of Kazakhstan had declared itself ready to organise the Group's meeting in 2008.

As far as the European Association of Judges was concerned, President Valancius, referring to his written report, informed the assembly that after the meeting in Valencia and the meeting of the Presidency Committee in Rome he managed to finalize the idea of creating an electronic newsletter of the EAJ, which will be issued twice or three times a year. He underlined it is a good forum for exchanging ideas on our association and to inform member associations of the activities which are going on at European level. He pointed out that some years ago the EAJ had published a printed magazine, Euro-Iustitia, but currently the state of technologies allowed delivering a bulletin of information in an electronic form. He added he was ready to receive any suggestions on that topic. President's Valancius report focused as well on his activities connected to EAJ's participation in the works of CCEJ, CEPEJ and ENCJ. A particular importance was attached to draft opinion No. 10 of CCEJ, available at the following website: http://www.coe.int/t/dg1/legalcooperation/judicialprofessions/ccje/textes/Travaux10_en.asp. As for EAJ's relations to EU, Mr. Valancius pointed out that he had recently met the Portuguese Minister of justice, Mr. Alberto Costa, as the current minister in charge of presiding over the council of Ministers of justice of EU countries. He thanked the Portuguese association, which had done all possible efforts to arrange this meeting, which had taken place on 13 September. He added he would like to arrange such a meeting after 1st January 2008 with the Minister of justice of Slovenia, as this country will take the presidency of the EU. Mr Valancius evoked as well his participation in the European Judges Conference organised in Rome in March 2007, as well as the meeting of the European Association of Judges held in Valencia (Spain) in March 2007.

The President of the Ibero American Group, Mr Spode, took then the floor, referring to his written report, in which he explained some decisions taken by him, such as the designation of Mrs. Cristina Crespo as Privative Secretary to the group, or the creation of an e-mail box that includes all the members of the group, that is extensively used to distribute communications. President Spode participated in a number of conferences and meeting on behalf of the Group and met various colleagues from South America at the Mercosur Supreme Courts summit, held in Brasilia in November 2006. The report contained as well information on funds within the Group and on the initiatives, which had been funded. An information bulletin for the Group had been set up, containing relevant documents. The Secretary of the Group, Mrs. Crespo, had provided information on her visit to Nicaragua and El Salvador in December 2006; she handed out a copy of IAJ correspondence translated into Spanish in order to ensure immediate understanding of the materials by the members of the group. Contacts had been established with Colombia, where there is an Association that unites magistrates and judiciary workers. President Spode's report focused also on the situation of countries that were facing

difficult situations, such as Bolivia, Peru and Venezuela. Further information was available at the Group's website, at the following address: <http://www.grupoiberoamericano.net/esp.htm>.

President Tratnik thanked all Presidents of the Groups and the assembly unanimously approved their reports.

6. "Justice in the World" Foundation: report by the Executive-President and discussion:

The Executive President of the Foundation "Justice in the World," Mr. Ruben Jimenez, took the floor, referring first of all to his written report, delivered to all national associations. He pointed out that objectives of the Foundation for 2007 have been: (a) to maintain the main activities of the Foundation; (b) to ensure the financial stability of the Foundation; (c) to reduce current expenses coming out from the use of premises in Barbara de Braganza (Madrid) and from the administrative services provided by the secretaries. As for the international award, in February 2007 the Foundation signed a convention with *Comunidad Autonoma de Madrid* in order to guarantee the continuity of the Award Justice in the World; the ceremony for awarding the price "Justice in the World" was held on 19th April 2007 in Madrid, organized by the Comunidad de Madrid and the Foundation. By decision of the Jury of the Foundation, the award was delivered to the International Criminal Court for the Former Yugoslavia (ICTY), for its achievements, in particular for the independence under which it carries out its mandate.

Coming to the questions concerning the International Institute for the Judicial Power, Mr Jimenez explained that on 30th March 2007 he had talks with the responsible persons in the area of Justice of *Comunidad Autonoma de Valencia*, and, finally, with the President of it. It was agreed that, in October 2007, the Foundation and *Generalitat Valenciana* will sign a convention that will grant € 50.000, in order to cover expenses coming out from the publishing needs of the Foundation. Mr Jimenez provided as well information on the newsmagazine and on the meeting of the Board of trustees. He furthermore referred to his written report on the decisions concerning the premises of the Foundation and other financing activities performed in 2007.

The assembly unanimously approved Mr Jimenez's report.

The session was closed by the President at 14.15.

Session of 26th September

Present: the President, Mrs. Maja Tratnik, the First Vice-President, Mr José Maria Bento Company, The Vice-Presidents Mrs. Fatoumata Diakite, Mrs. Joanna Seybert, Mr Bjorn Solbakken, Mr Guinther Spode, Mr Virgilijus Valancius; the Honorary Presidents Mr Sidnei Beneti, Mr Massimo Bonomo, Mr Arne Christiansen, Mr Ernst Markel and Mr Günter Woratsch; the Secretary-General, Mr Antonio Mura; the Deputy Secretaries-General, Mr Giacomo Oberto, Mr Galileo D'Agostino, Mr Raffaello Gargiulo and Mr Lucio Aschettino, as well as the following national associations, represented by the delegates whose names are on the list attached to these minutes (see enclosure No 2):

ARGENTINA	LUXEMBOURG
ARMENIA (EXTR. MEMBER)	MALI
AUSTRALIA	MALTA (PROXY TO ITALY)
AUSTRIA	MEXICO
BELGIUM	MOROCCO
BENIN (OBSERVER)	NETHERLANDS
BOSNIA (OBSERVER)	NORWAY
BRAZIL	PANAMA
CANADA	PARAGUAY
CROATIA	POLAND
DENMARK	PORTUGAL

EL SALVADOR (OBSERVER)	PUERTO RICO
ESTONIA	REP. OF CHINA (TAIWAN)
FINLAND	ROMANIA
FRANCE	SLOVENIA
GERMANY	SOUTH AFRICA
HUNGARY	SPAIN
ICELAND	SWEDEN
IRELAND	SWITZERLAND
ISRAEL	THE FORMER YUGOSLAV REP. OF MACEDONIA
ITALY	TOGO
IVORY COAST	TUNISIA
JAPAN	UKRAINE (EXTR. MEMBER)
KAZAKHSTAN (EXTR. MEMBER)	UNITED KINGDOM
LATVIA	UNITED STATES OF AMERICA
LIECHTENSTEIN	URUGUAY
LITHUANIA	

President Tratnik opened the session at 14.30, giving the floor to the Canadian delegate, who presented Vice-President Solbakken with a gift as sign of thanks for the invitation and the perfect organisation of the meeting.

She then passed to examine the following points in the agenda.

6. "Justice in the World" Foundation: report by the Director of the Publications Service;

The Director of the Publications Service of the Foundation "Justice in the World," former Vice-President Reis Figueira, took the floor to illustrate the written report he had prepared on the activities of the Foundation as far as publications were concerned. He noticed that the web address of the Magazine had changed and is currently as follows: <http://www.justiceintheworld-foundation.org/>.

7. Report by IAJ's Representatives at the United Nations;

President Tratnik pointed out that the U.N. Special Rapporteur on the Independence of Judges and Lawyers, Mr Despouy, had recently written a report on the situation in Maldives extensively referring to the position of the IAJ. He had been invited to the meeting in Trondheim, but he had informed he could not travel to Norway for professional commitments. She added that Honorary President Markel had transmitted all relevant IAJ conclusions of the Study Commissions to the Direction for Crime Prevention of the United Nations in Vienna.

Vice-President Mrs. Seybert took the floor to present the written report she had submitted as IAJ's Representative at the U.N. She focused particularly on this year's theme for the 60th Annual Department of Public Information Non-Governmental Organizations Conference, that was "Climate Change: How It Impacts Us All." She referred also to reports sent by Deanna Nohs, Daniel Ocampo and Jessica Kellis. She added that, in order to continue working with NGOs, former Vice-President Mailhot and herself spoke with Elisa Peter, Deputy Coordinator UN-NGLS (United Nations Non-Governmental Liaison Service), who seemed quite knowledgeable regarding ways in which the IAJ could obtain relevant information. She also promised to assist us.

Former Vice-President Mailhot took the floor to refer about her meeting with a liaison officer for NGOs of U.N. in order for IAJ to have some input in a new Peace Building Commission created last year. She referred also to her contacts with "CONGO", New York (Conference of Non-governmental Organizations in Consultative Relationship with the United Nations).

Honorary President Markel then took the floor referring to his written report as IAJ Representative at the United Nations Office in Vienna. He particularly focused on the 16th Session of the Commission on Crime Prevention and Criminal Justice of the Economic and Social Council of the

United Nations, where IAJ is granted an official NGO observer status, that was held at the Vienna International Centre from 23rd to 27th of April, 2007.

Thanking Honorary President Markel, President Tratnik informed the assembly that in the IAJ's website will be inserted some links to relevant U.N. offices.

Mr. Zappelli took then the floor, referring to his written report, as IAJ representative at the United Nations Office in Geneva. He evoked the contacts he had with Mr Despouy especially on issues relating to Egypt and South Africa. Thanks to the cooperation of South African Association he managed to provide Mr Despouy with the information he had been requesting. He pointed out that he had suggested to collaborate with other NGOs whose aims are similar to ours. Information has been gathered on various Organizations that IAJ could contact. The most interesting NGO in that field could be "CONGO," which is the Conference of Non-governmental Organizations in Consultative Relationship with the United Nations. Following his proposal, the Presidency Committee had instructed the IAJ General Secretariat to lodge CONGO with an application for membership, what had been done in July 2007.

9. Budget of the International Association of Judges;

The Secretary-General Mr Mura presented to the Central Council the budget for the year 2006-2007 (26 September 2006-18 September 2007), the draft budget for the year 2007-2008 and the financial report (see enclosure No. 3). The assembly unanimously approved the draft budget for the year 2007-2008.

10. Report by the auditors;

After the report of the auditors, who had been charged with examining the accounts (Mrs. Van Schalwyk, also on behalf of Mr Zuccarelli), the assembly unanimously approved the financial report and the budget for the year 2006-2007 and discharged the Secretary-General of any responsibility in this respect.

President Tratnik expressed her warmest thanks to the Italian Association for their special financial contribution—which has been granted for seven years—to the expenses of the Secretariat as well as for the highly qualified contribution in terms of human resources provided.

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

The Secretary-General Mr Mura referred to his financial report, as for the list of countries, which were in arrears in the payment of their annual fees. He noticed that four countries (Burkina Faso, Egypt, Tanzania and Venezuela) were in the position provided for by Article 4, Para. 9, of the IAJ's Constitution. After a long debate, during which delegates from Argentina, Austria, Brazil, Germany, Iceland, Israel, Italy, Ivory Coast, Netherlands, Panama, Romania, United Kingdom, United States of America, as well as Vice-Presidents Diakite and Spode, Honorary President Woratsch and Mr Zappelli took the floor, the President charged Mr Aikens to prepare a draft resolution on this issue to be submitted to the assembly.

11. Applications for membership in the IAJ: association of judges from El Salvador (rapporteurs Mr Alejandro Lopez McAdam and Mrs. Cristina Crespo);

After Mrs. Crespo had orally illustrated the written report concerning the application for membership of El Salvador, the assembly unanimously admitted that association as an ordinary member of the IAJ. The delegate from El Salvador addressed the Central Council to express his thanks and the satisfaction of his association for the vote.

8. Associations, which have not paid their contributions for several years (continuation);

The draft resolution on the problem concerning associations in arrears of subscriptions was distributed to all delegates. President Tratnik then called for an open vote (as only two delegates had

asked for a secret ballot). The resolution was approved with 41 votes in favour and three votes against; it is joined as an enclosure to these minutes (see enclosure No. 4).

The President closed the session at 18.00.

Session of 27th September

Present: the President, Mrs. Maja Tratnik, the First Vice-President, Mr José Maria Bento Company, The Vice-Presidents Mrs. Fatoumata Diakite, Mrs. Joanna Seybert, Mr Bjorn Solbakken, Mr Guinther Spode, Mr Virgilijus Valancius; the Honorary Presidents Mr Sidnei Beneti, Mr Ernst Markel and Mr Günter Woratsch; the Secretary-General, Mr Antonio Mura; the Deputy Secretaries-General, Mr Giacomo Oberto, Mr Galileo D'Agostino and Mr Lucio Aschettino, 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):

ARGENTINA (PROXY TO URUGUAY)	LIECHTENSTEIN
ARMENIA (EXTR. MEMBER)	LITHUANIA
AUSTRALIA	LUXEMBOURG (PROXY TO NETHERLANDS)
AUSTRIA	MALTA (PROXY TO ITALY)
BELGIUM	MEXICO (PROXY TO PANAMA)
BENIN (OBSERVER)	MOROCCO (PROXY TO BELGIUM)
BOSNIA (OBSERVER)	NETHERLANDS
BRAZIL	NORWAY
CANADA	PANAMA
CROATIA	PARAGUAY
CZECH REPUBLIC (PROXY TO AUSTRIA)	POLAND (PROXY TO UNITED KINGDOM)
DENMARK	PORTUGAL (PROXY TO EL SALVADOR)
EL SALVADOR	PUERTO RICO (PROXY TO BRAZIL)
ESTONIA (PROXY TO LATVIA)	REP. OF CHINA (TAIWAN) (PROXY TO ISRAEL)
FINLAND (PROXY TO SWEDEN)	ROMANIA
FRANCE (PROXY TO CANADA)	SLOVENIA (PROXY TO CROATIA)
GERMANY (PROXY TO LIECHTENSTEIN)	SOUTH AFRICA
HUNGARY (PROXY TO FORM. YUG. REP. OF MACEDONIA)	SPAIN (PROXY TO PARAGUAY)
ICELAND	SWEDEN
IRELAND	SWITZERLAND
ISRAEL	THE FORMER YUGOSLAV REP. OF MACEDONIA
ITALY	TOGO (PROXY TO IVORY COAST)
IVORY COAST	TUNISIA
JAPAN	UKRAINE (EXTR. MEMBER)
KAZAKHSTAN (EXTR. MEMBER)	UNITED KINGDOM
LATVIA	UNITED STATES OF AMERICA
	URUGUAY

President Tratnik opened the session at 10.00.

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

President Tratnik called on the Presidents of the four Study Commissions to report on the conclusions of the commissions. These commissions were on the subjects: "Access to justice" (1st Study Commission: Mr Gerhard Reissner); "Sanctions for parties' inactivity in civil litigation" (2nd Study Commission: Mrs. Nina Betetto); "Juveniles in the Criminal Justice System" (3rd Study Commission:

Mrs. Mary Moreau); “The rights of the workers in case of a shutdown of the enterprise, whatever are the causes” (4th Study Commission: Mr Gerhard Kuras).

The Presidents also proposed the subjects for the Study Commissions for 2008.

The Central Council approved the conclusions as well as the proposals of the commissions on the following topics for 2008: “The relationship between the executive and the judiciary in a democratic society: the question is—who should be master?” (1st Study Commission); “Damages for personal injury” (2nd Study Commission); “Sex offences: today’s problems and effective legal solutions” (3rd Study Commission); “Rights of parents in the employer-employee relationship” (4th Study Commission).

President Tratnik called for an open vote on the proposed resolution on Poland, which had been delivered to all delegations. The resolution was unanimously adopted by the assembly and is joined as an enclosure to this report (see enclosure No. 6).

13. Meetings of the IAJ in the next years. Possible host-countries:

President Tratnik introduced the subject explaining that during the meeting in Trondheim five countries had declared themselves available for organising the meeting in 2008: Armenia, Kazakhstan, Morocco, Romania and Spain. She explained as well when such candidatures had been lodged with the Secretariat and the conditions under which the organisation of the meeting were prospected, according to the guidelines approved at the IAJ’s meeting in Siofok. Mrs. Tratnik added that, in order to solve this issue, the Presidency Committee had decided in Trondheim to organise a special meeting under the coordination of Vice-President Solbakken, who had tried to conciliate the different positions. After this meeting, delegates of Morocco had withdrawn their candidature, declaring themselves available for 2009 and delegates of Kazakhstan had as well withdrawn their proposal, declaring the Association available also for following years.

A vote was therefore necessary, for the first time in the history of the IAJ, in order to decide the venue of next year’s meeting (namely: whether in Armenia, in Romania, or in Spain). President Tratnik illustrated then some criteria, which had been elaborated during the meeting of the Presidency Committee held in Trondheim, explaining that such criteria of course were not binding on delegates, but could be merely used as guidelines for the decisions. She mentioned the following criteria: (i) date of submission of the invitation (for Armenia in 2006 during the meeting in Siofok; for Romania and Spain on 24 September 2007); (ii) the state of preparations for the meeting, according to what declared by concerned delegates; (iii) the way the proposals followed guidelines approved in Siofok (with special reference to “a” or “b” solutions); (iv) the date of the meeting (early September for Armenia and late September for Spain, November for Romania); (v) security and visa issues; (vi) flights connections; (vii) the interest of the IAJ.

President Tratnik underlined that Armenia was an extraordinary member, but that no provision of our statute appeared to prevent such a member from hosting an IAJ meeting. Finally she pointed out that in the last seven years the IAJ meetings took place five times in Europe and twice in Spain. She then gave the floor to delegates from Armenia, Romania and to First Vice-President Bento Company for Spain, who took the floor to illustrate their proposals. A long debate took subsequently place, during which delegates from Italy, Netherlands, Panama, Sweden and United Kingdom, as well as Honorary Presidents Markel and Woratsch took the floor. Finally the President called for an open vote on the issue whether an extraordinary member could host an IAJ meeting (interpretation of the par. 7 of the article 4 of the Constitution of the IAJ). The result of the vote was in favour of such possibility (38 votes for, 2 against and 5 abstentions; the Former Yugoslav Rep. of Macedonia was not eligible for voting, as it was in arrears with the payment of annual fees; the same was true for Malta, which had given a proxy to Italy).

The President then called for a vote on the three proposals. Delegates from Italy, Israel, Ivory Coast, Luxemburg, Netherlands and others asked for a secret vote. Upon proposal of the President the assembly unanimously appointed a commission for the scrutiny of ballots, composed of delegates from

Norway, Panama and the Former Yugoslav Rep. of Macedonia. The General Secretariat delivered to each of the delegations entitled to vote a ballot, with the names of the three countries. Delegates were invited to circle only the name of the chosen country. If more than one country was chosen, the ballot paper would be considered null and void. After the voting the commission announced the following results: Armenia 28, Romania 4, Spain 12, plus one vote blank and one annulled. The President therefore announced that the next IAJ meeting will be held in Armenia, in the first half of September 2008.

Upon proposal of the President the assembly unanimously decided that, in the future, candidatures for hosting IAJ meetings should be sent within a deadline of at least one month prior to the start of each annual meeting in which a decision must be taken upon them.

14. Miscellanea.

President Tratnik announced the publication of the first volume of the collection entitled “Books of the IAJ”. The title of this volume is “History of the International Association of Judges” and it has been coordinated by former Vice-President Mrs. Louise Mailhot. Another book should follow, coordinated by Deputy Secretary-General Mr. Oberto, on the IAJ International conference in Lomé; a third volume is still in the process of being prepared, under the co-ordination of Honorary President Mr. Markel, on the subject of the protection of human rights. The publisher of these volumes is “Editora Forense” of São Paulo, and it is the same publisher of Mr. Beneti’s books. The volume on the history of the IAJ is sold online at the following website: www.livrariacultura.com.br. Mrs. Tratnik pointed out that no royalties would be given to authors (or to the IAJ), who had just the right to receive some free copies. President Tratnik warmly thanked Mr. Beneti and Mrs. Mailhot for their commitment in editing and publishing this volume.

The Armenian delegation thanked the assembly for having chosen their country for the organisation of next year’s meeting.

The delegation of Panama presented President Tratnik, Vice-President Solbakken and Secretary-General Mura with a gift.

The meeting was closed at 12.00 a.m. The President once again thanked the host association for the perfect organization of the meeting, and all the participants and the interpreters.

The President
Maja TRATNIK

The Secretary-General
Antonio MURA

Enclosures:

1. List of the delegates to the session of 24th September of the Central Council;
2. List of the delegates to the session of 26th September of the Central Council;
3. Budget and financial report;
4. Resolution on countries in arrears of subscriptions
5. List of the delegates to the session of 27th September of the Central Council;
6. Resolution on the situation in Poland.



**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

Resolution of the Central Council on countries in arrears of subscriptions:

Proposed by the United Kingdom delegation

Trondheim: 26.9.07

Whereas:

- (1) The Central Council has received a report from the Secretary General of the International Association of Judges ("IAJ") that the national associations of judges of Tanzania, Egypt and Burkina Faso (Members of the IAJ) and Venezuela (Extraordinary Member of the IAJ) are in arrears of over three years with regard to the payment of annual subscriptions to the IAJ; and
- (2) Article 4 paragraph 9 of the Constitution of the IAJ provides:
"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"

It is HEREBY RESOLVED by the Central Council that:

1. The above mentioned Members and Extraordinary Member of the IAJ shall not cease to belong to the IAJ until the conclusion of the first session of the next general meeting of the Central Council of the IAJ (which will be held in the autumn of 2008).
2. The President of the IAJ shall, in consultation with the Presidency Committee, establish a permanent committee of the IAJ, to consist of one chairman and three members, which shall together be representative of each Regional Group of the IAJ ("the subscription committee"). This committee shall have the duty to investigate the position of any member association of the IAJ (whether ordinary or extraordinary) that is currently either more than three years in arrears with subscriptions to the IAJ or is currently more than two years in arrears with subscriptions to the IAJ. This committee will, in respect of all such members of the IAJ, consider (amongst other things) (a) whether the national association still exists; (b) whether it operates in the country concerned and if so how; (c) the financial position of the association concerned and whether it is likely to pay the arrears; (d) whether contact with the national association concerned can be re-established.
3. The subscription committee shall, at least three months before the next general meeting of the Central Council, send to the Presidency Committee of the IAJ a report in writing on all countries that are more than two years in arrears with subscriptions to the IAJ, with recommendations on whether the Central Council should be invited to decide (a) whether an association that is (by the time of the next Central Council meeting) more than three years in arrears of subscriptions be permitted to continue to be a member of the IAJ and if so on what conditions; or (b) whether that association should cease to be a member of the IAJ in accordance with Article 4 paragraph 9 of the Constitution of the IAJ.
4. The Presidency Committee will, at least one month before the next meeting of the Central Council, present a report in writing to all full members of the IAJ concerning the countries considered in the report of the subscription committee, with its recommendations with regard to the future membership of any country that is more than three years in arrears with its subscription to the IAJ.
5. At the next meeting of the Central Council, there will be an item on the Agenda and the Members will discuss and vote, in respect of any and each member of the IAJ that is at that time more than three years in arrears with subscriptions to the IAJ, whether (a) its membership should nevertheless be allowed to continue and, if so, on what conditions; or (b) whether its membership will cease, in accordance with Article 4 paragraph 9 of the Constitution of the IAJ.



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PALAZZO DI GIUSTIZIA - PIAZZA CAVOUR - 00193 ROMA - ITALY

Resolution of the International Association of Judges

relating to the Resolution adopted by the European Association of Judges on 23rd of September 2007.

Whereas:

(1) The European Association of Judges passed the Resolution annexed hereto at its meeting on 23rd of September 2007;

and

(2) The above said Resolution has been considered by the delegates to the International Association of Judges at the meeting of the Central Council on 27th of September 2007

IT IS HEREBY RESOLVED by the delegates of the International Association of Judges:

To adopt the said Resolution of the European Association of Judges as a Resolution of the International Association of Judges



Palazzo di Giustizia - Piazza Cavour - 00193 Roma - Italia

Trondheim, 23 September, 2007
The European Association of Judges
adopted the following

RESOLUTION

The EAJ expresses its grave concern at legislative developments in Poland aimed at reducing the competences of the judicial self-government in favour of the executive branch of the government, namely the Minister of Justice, and at weakening the guarantees of judicial independence in Poland. In particular the EAJ has concern over recent amendments to “Ustawa o ustroju sądów powszechnych” (Regulation of the organisation of the public courts) in regard to :

- a) the powers given by the Regulation to the Executive concerning the appointment of a president of the court;
- b) the power of re-allocation of a judge to another court without the consent of that judge;
- c) the transfer of the power to take disciplinary measures against a judge from the court to the public prosecutor's office.

In expressing this concern the EAJ urges the Polish authorities to be vigilant to observe universally recognised standards of judicial independence. The independence of judges is first and foremost linked to the maintenance of the separation of powers.¹ This principle is one of the necessary prerequisites for society to have a confidence that justice will be administered by an independent and impartial tribunal. Consequently, the organs of the executive and legislative branches must refrain from adopting any measure which could undermine the independence of judges.

Universally recognized standards of judicial independence require that the procedures of judicial appointment and promotion, including the appointment of presidents of courts, are free from any political considerations.² The authority taking the decision on the selection and career of judges should be independent of the government and administration³.

Application of disciplinary measures or any other kind of legal liability to judges must be organised in such a manner so that the actual independence of judges is not violated.

International standards require, that any charge or complaint made against a judge in his/her judicial and professional capacity is processed expeditiously and fairly under an appropriate procedure, complying with the due process requirements of the European Convention on Human Rights, and free from any political considerations.⁴

Expanding the powers of the Executive in the disciplinary proceedings of judges and limiting the scope of judicial independence creates the legal pre-conditions to exert influence on the activity of courts and creates an undemocratic and illegal precedent which denies the universally recognised principles of separation of powers and independence of judges and courts.

¹ See Explanatory memorandum to Recommendation of the Committee of Ministers of the Council of Europe No. R(94) 12 On the Independence, Efficiency and Role of Judges

² See Opinion No. 1 of the Consultative Council of European Judges (CCJE) on standards concerning the independence of the judiciary and the irremovability of judges, paragraph 17

³ See Recommendation of the Committee of Ministers of the Council of Europe No. R(94) 12 On the Independence, Efficiency and Role of Judges, Principle I. 2. c

⁴ See e.g. Article 17 of the Basic Principles on the independence of the judiciary, endorsed by the United Nations General Assembly in November 1985, “. Recommendation No. R (94) 12, Principle VI(2) and (3),

The EAJ urges the competent Polish authorities to ensure universally recognised standards of judicial independence are upheld at all times and that no measures are taken which might compromise them.

Trondheim, 23 September 2007.