



**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

Yerevan (Armenia)

8th September 2008 (10.00 – 13.00)

10th September 2008 (15.30 – 18.30)

11th September 2007 (10.00 – 12.00)

Session of 8th 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, Mr Raffaello Gargiulo, Mr Marcello Marinari 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):

ALGERIA (OBSERVER)	LATVIA
ARGENTINA	LIECHTENSTEIN
ARMENIA (EXTR. MEMBER)	LITHUANIA
AUSTRALIA	LUXEMBOURG
AUSTRIA	MALI
BELGIUM	NETHERLANDS
BENIN (OBSERVER)	NICARAGUA (OBSERVER)
BOSNIA AND HERZEGOVINA (OBSERVER)	NIGER
BRAZIL	NORWAY
CANADA	PARAGUAY (PROXY)
CROATIA (PROXY)	POLAND
CYPRUS	PORTUGAL
CZECH REPUBLIC (PROXY)	PUERTO RICO
DENMARK	REP. OF CHINA (TAIWAN)
EL SALVADOR	ROMANIA
ESTONIA	SERBIA (OBSERVER)
FINLAND	SLOVENIA
FRANCE	SOUTH AFRICA
GEORGIA	SPAIN
GERMANY	SWEDEN
HUNGARY	SWITZERLAND
ICELAND	TOGO
IRELAND	TUNISIA
ISRAEL	UKRAINE (EXTR. MEMBER)
ITALY	UNITED KINGDOM
IVORY COAST	UNITED STATES OF AMERICA
KAZAKHSTAN (EXTR. MEMBER)	URUGUAY

The official inauguration ceremony took place at 9.00 a.m. During this event the President of the Armenian Association of Judges, Mr Sargsyan, and the President of the Cassation Court of Armenia, Mr Manoukyan, and the President of the IAJ Mrs. Tratnik took the floor.

After this ceremony, President Tratnik opened the meeting at 10.30 a.m., by welcoming all present. She expressed the deepest gratitude of the IAJ to the local Authorities as well as to the Armenian association of judges for the perfect organization of the meeting (51st annual meeting of the IAJ) and for their generous hospitality. She then informed the assembly that 48 delegations (3 of them extraordinary members) were in attendance and welcomed the 5 observers (Algeria, Benin, Bosnia and Herzegovina, Nicaragua, Serbia), underlying as well the presence of Honorary Presidents Beneti, Markel and Woratsch. President Tratnik also welcomed the IAJ representatives at the UNO Offices Mrs. Mailhot and Mr Zappelli. She then proceeded to examine the points on the agenda, pointing out that, after this document had been delivered on 18 August, no remarks had been sent on it. She declared therefore the agenda approved. Mrs. Tratnik mentioned as well the reports and documents which had been sent to all national associations in preparation of this meeting.

President Tratnik, taken into account the short time at disposal for the meetings of the Central Council, as well as the quantity of subjects to be dealt with, stressed the need to limit each report or intervention to 10 minutes, having also in mind that many delegates would be leaving Yerevan on Wednesday nights or Thursday morning, what forced to hold elections of new IAJ representatives on Wednesday afternoon.

1. Checking the votes and proxies:

The General Secretariat carried out a check on votes and proxies. The Secretary-General Mr Mura informed the assembly that so far the General Secretariat had received in writing a proxy from Czech Republic to Hungary, one from Croatia to Austria and one from Paraguay to Brazil.

2. Nomination of delegates to count the votes. Appointment of auditors to examine the accounts and the financial report and to report:

The President asked the assembly if there were three delegates who agreed to assume the responsibility of counting the votes and two others to act as auditors. Mrs. Costiniu (Romania), Mr Steenbeck (Netherlands) and Mr Gomez (Brazil) were unanimously given the responsibility of counting the votes. The assembly then unanimously appointed Mr Balsamo (Italy) and Mr Gass (Switzerland) as auditors responsible for scrutinising the annual accounts and financial report and for reporting on it to the Central Council.

3. Candidatures for President, six Vice-Presidents, Secretary-General and Deputy Secretaries General:

President Tratnik mentioned first of all the contents of the letter she had sent to all associations prior to the meeting, about requirements for submission of candidatures according to IAJ statutes.

She informed the assembly that so far the General Secretariat had received the candidature (in writing) of First Vice-President Mr José Maria Bento Company to the post of President of the IAJ. The General Secretariat had also received the nomination (in writing) of current Vice-Presidents Mrs. Diakité, Mrs. Seybert, Mr Solbakken and Mr Valancius to Vice-Presidents of the IAJ. Also the candidatures of Mr Richard Aikens (United Kingdom) and of Mr Gerhard Reissner (Austria) had been submitted (in writing), as well as the candidature of Mr Mura to the post of Secretary-General and those of Mr Oberto, Mr D'Agostino, Mr Gargiulo, Mr Marinari and Mr Aschettino to the posts of Deputies Secretaries-General. Also such nominations had been submitted in writing prior to this meeting.

The President opened the discussion during which the Ibero-American Group proposed the candidature of Mrs. Cristina Crespo (Paraguay) to the post of Vice-President of the IAJ. This candidature was submitted, during the same session of the meeting of the Central Council, in writing.

The President reminded the procedures for voting, pursuant to the statutory amendments approved in Vienna.

4. Approval of the minutes of the meeting held in Trondheim (documentation: letter of 6th December 2007):

President Tratnik pointed out that on 6 December 2007 the minutes of the meeting of Trondheim had been sent to all national associations and that no remarks had been raised within one month. The final version had been again distributed on 26 February 2008. The assembly submitted no objections; therefore the President stated the minutes of the meeting held in Trondheim as unanimously approved.

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

President Tratnik referred to her written report sent to all national associations two weeks before the meeting, adding she would focus only on two main aspects of it. First of all she mentioned her participation in the First global meeting of the International and Regional Courts of Justice, held from 4 to 5 October 2007 in Managua (Nicaragua). After this she had been working on the problems of the relations of IAJ to the Foundation "Justice in the World," as well as on the problems of countries which are in arrears in the payment of their subscription fees. On this issue she had been active in keeping contacts with the so-called "Subscription Committee". President Tratnik had also participated in all meetings of the Regional Groups, stressing that the African and the Ibero-American Groups had as well held, on the occasions of those events, conferences on topics of particular interest for judges. She added that the "Campeche declaration" will be soon available in English and French and edited in the IAJ web site.

The assembly unanimously adopted Mrs. Tratnik's report.

6. Report by the Secretary-General:

Secretary-General Mura referred to his written report, explaining he would be adding just a few points. First of all he pointed out that the trend of last years about the constant increase of work had been confirmed, in line and in connection with the growth of our association. Therefore he underlined the need to start a sort of reorganisation of the General Secretariat. In the framework of this project, meetings with the Italian members of the General Secretariat had been organised, in order to reassign tasks. He also expressed his appraisal for the highly qualified assistance and devotion of Ms. Barbara Scolart. Referring to his written report, Mr Mura pointed out that the General Secretariat was proceeding to the creation of a new version of the IAJ web site, which should be ready by the end of this year. All the current documents will appear in it; it will be also possible to include any kind of files (text, picture, recording); he thus invited delegates to send all possible documentation they were interested to present. Information will be provided to national associations as soon as the new web site will be ready. Secretary-General Mura then evoked the questionnaires drafted last year. The one referring to national associations had received 57 answers, and Mr Mura invited all associations which had not yet answered to do so. He invited as well all associations to constantly update their respective data. Relevant information provided will also be put on IAJ web site. As for the other questionnaire, concerning the degree of satisfaction with IAJ members vis a vis the activities of the IAJ, only 15 answers had been sent so far. Therefore he had again circulate this questionnaire.

The assembly unanimously approved the report of the Secretary-General.

7. Reports by the Vice-Presidents responsible of the Regional Groups:

The President of the EAJ Mr Valancius took the floor to summarize his written report. He first of all stressed the results accomplished by the EAJ in the protection of the independence of the judiciary, underlying that at the present the Group was composed of 38 member associations, many of them in the process of experiencing problems as to their relations to the other powers of the State. Issues such as the composition of High Judicial Councils and social and economic status of judges, as well as regulations on disciplinary actions were the subjects at stake almost everywhere in Europe. He then evoked the speech he held before the European Parliament, where he got the impression that that body was not so well aware of the challenges concerning justice. Mr Valancius also made reference to EU Justice Forum, launched in May 2008, when he had the chance to represent the EAJ. On that occasion he noticed that EAJ is the largest representation of judicial NGOs in Europe. As EAJ's

activities are constantly expanding, the Group had decided during its last meeting in Turku to set up an Executive Committee. In that city the last meeting of the EAJ had taken place, and Mr Valancius thanked the Finnish Association for the perfect organisation of the event. He also mentioned EAJ's participation in bodies such the CEPEJ and the CCEJ and pointed out that the Group was editing an electronic newsletter and had recently published a booklet containing all relevant information and documents on the EAJ, such as statutes, charters, resolutions and declarations adopted during the meetings. This booklet contains as well an updated list of associations and contact details about them, plus a list of all the EAJ meetings since its foundation. He remarked that this booklet can be a useful instrument to have EAJ better known, both on the national and international levels. 5 of these booklets were then distributed to each European association attending the meeting in Yerevan.

The President of the ANAO Group Mrs. Seybert took then the floor referring to her written report and underlying that, taking into account the geographical size of the Group (the largest within the IAJ) and the small number of its members, no meetings took place in between the general IAJ annual meetings. Therefore newsletters and questionnaires spread among members supplement meetings. She pointed as well out that Mr Magnusson will travel to Taiwan soon for a seminar and that Mr Teague was currently in the process of studying the subject of judicial mentoring; therefore he was interested in training programmes to enhance judicial independence in the world.

The President of the Ibero American Group Mr Spode took the floor pointing out that he had spread a written report in Spanish, English and French. First of all he mentioned the meeting held in Campeche (Mexico) on 8 and 9 April and he thanked the Mexican Association for the perfect organisation of the meeting. He then informed the assembly that the Group had requested that Spanish language be adopted as working language in the Study Commission and mentioned the decision taken by the Presidency Committee on that point, allowing delegates in Study Commission to use the Spanish language, while delegates of the Group will ensure consecutive translation in English or French (and vice versa). He then evoked the Campeche declaration, which would be soon available also in English and French. Mr Spode also thanked the Secretary of the Group, Mrs. Crespo, for her work of translation of relevant documents.

The President of the African Group Mrs. Diakité took the floor pointing out that, as explained in her written report, after the meeting in Trondheim, she had been active in the preparation of the meeting of the Group in Casablanca. This meeting, held from 27 to 31 March, had been a great success and she thanked the Moroccan Association for the perfect organisation. She then added that, while she was in Casablanca for the meeting of the African Group, she had met the President of the African Group of the International Association of the Latin Notariat and had obtained the agreement of the Presidency Committee to pursue such contacts, also in the framework of a general agreement signed in 1994 by the IAJ with the International Association of Latin Notariat. After the meeting of the Presidency Committee in Rome, she had devoted her efforts to try to contact associations which had lost contacts with the IAJ, as well in her capacity of member of "Subscription Committee." Unfortunately not all of such efforts had given results. However she explained she was satisfied that she had managed to contact the Association of Burkina Faso, which had shown interest in keeping its status of IAJ member, while Egypt and Tanzania had not replied to her efforts to re-establish contacts.

The Central Council unanimously approved all reports of the Presidents of the Regional Groups.

8. Report by the Executive-President of the Foundation and by the Director of the publications service of the Foundation;

President Tratnik introduced the subject by stressing that the Foundation "Justice in the World" was created in 1996 as a cultural and communicational body of the IAJ. In 12 years it had accomplished a remarkable work organising seminars and events of different kinds. It gave the IAJ, indirectly, visibility through the international "Justice in the World" award, as well as the publication of the magazine "Justice in the world" and of books. The Foundation had also helped the IAJ with the organisation of the meeting of the Central Council of the IAJ held in 2003 in Alicante. The President pointed out as well that this year edition of the prize had been awarded to Mr Leandro Despouy, who

had also been invited to Yerevan. Mrs. Tratnik regretted that Mr Despouy could not attend this meeting, according to his message of apologies sent on 25 August 2008.

The Executive President of the Foundation Mr Ruben Jimenez took subsequently the floor to illustrate his written report sent to all national associations. He stressed that the Foundation was recovering its financial losses thanks to the training activities in which colleagues have been teaching free of charge. He added that the financing from the *Comunidad Autonoma de Madrid* to the ceremony for the delivery of the International Award had allowed also this year to deliver the prize and that the ceremony had been as usual a great success. Mr Ruben Jimenez pointed out that the 2008 ceremony had taken place very late, in June, because candidatures had been sent late. He stressed therefore the need to have candidatures sent before December, in order to allow the jury to make its choice as soon as possible. As for the magazine, Mr Ruben Jimenez underlined the financial difficulties to edit and to deliver it to national associations. In this framework he evoked the agreement made in 2007 with the *Comunidad Autonoma de Valencia*.

President Tratnik thanked the Executive President of the Foundation for the work done, as well as the Spanish judges who are available to participate in training activities.

9. Report by IAJ's Representatives at the United Nations:

Referring incidentally to the point n. 11 of the agenda, the President informed the assembly that the IAJ budget and the financial report were currently in the process of being distributed among delegates; the issue will be dealt with during the Wednesday session of the Central Council.

Passing to point n. 9, President Tratnik thanked Honorary Presidents Markel and Woratsch as well as Vice-President Seybert, former Vice-President Mailhot and Mr Zappelli for their work as representatives of the IAJ at the UNO Offices of Vienna, New York and Geneva.

Mrs. Mailhot took the floor announcing she intended to orally complete her written report, adding some information on her participation in the 61st annual conference of NGOs organised to celebrate the 60th anniversary of the Universal Declaration of Human Rights. It was the first time that such an event was held out of the UNO seat of New York, as this conference was held in Paris in the UNESCO building. Many round tables, workshops and breakout sessions had taken place during the conference and Mrs. Mailhot participated in the ones having the closest affinity to judicial activity. As new UNO High Commissioner in the place of Mrs. Arbour had been appointed Mrs. Navi Pillay from South Africa. Mrs. Mailhot will pursue her contacts also with the International Criminal Court.

Vice-President Seybert took then the floor thanking Mrs. Mailhot and adding that she had not been able to travel to Paris, but she had participated in two initiatives of interest for the IAJ. First of all she had been in contact with the Senior Roundtable for Women's Justice and had been asked to serve on the planning committee for the programme. The Roundtable was held in Washington, D.C. in March 2008 and involved judges from numerous countries, ambassadors, government, NGO's and the Avon Foundation. Recently, she met with Kim K. Azzarelli, who is an executive with Avon, and is involved with the Avon Foundation. The Foundation has made a generous donation to the Women's Justice programme, and Supreme Court Justice Sandra Day O'Connor (Retired) has been involved in the planning for the educational aspects of the programme. Additionally, there will be a grant and scholar programme at Cornell University School of Law. Mrs. Seybert explained she was willing to discuss this programme at the Presidency Committee meeting, exploring mutual contacts and goals of the programme, and enlisting the services of our members. As second event of interest, Mrs. Seybert mentioned she had been involved with Justice Reform in Afghanistan, which evolved from a meeting at the United Nations in March 2008. This programme will serve to sponsor judges and lawyers from Afghanistan to attend educational programmes in the United States. A group of Afghanistan judges and lawyers attended a programme at the University of Utah Law School last month and another is planned for January 2009 in California.

Mr Zappelli took then the floor pointing out that the Presidency Committee had accepted his proposal to become a member of the CONGO Organization, which is the Conference of Non-governmental Organizations in Consultative Relationship with the United Nations. He could therefore participate in Geneva, from the 5th to the 7th December 2007, in the General Assembly of CONGO, which was a good opportunity to introducing our NGO and meeting the main representatives of

CONGO. Various NGO's representatives asked him to submit the candidature of the IAJ to be part of CONGO's board, but Mr Zappelli declined that proposal, in the absence of an agreement of the IAJ Presidency Committee, and also because he estimated that such a participation would clearly be premature, taking into account the apolitical character of our organisation. Mr Zappelli will keep close contacts to the IAJ Presidency Committee on this issue.

Mr Zappelli then evoked the contacts he had in the past with Mr Despouy and with Mrs. Arbour, expressing his hope to renew relations with the offices of the Special Rapporteur on the Independence of Judges and Lawyers as well as with the new High Commissioner on Human Rights.

Finally Honorary President Markel, taking the floor also on behalf of Honorary President Woratch, explained that they had sent no written report because in the last year no event of interest for the IAJ had taken place in the UNO Offices of Vienna. Therefore their activity had focused on behind the scene contacts, also in view of the conference of States parties to the UNO convention on organized crime, due to take place in Vienna on 8-17 October.

President Tratnik thanked all the IAJ representatives and their reports were unanimously approved by the assembly.

10. Associations which have not paid their contributions for several years:

President Tratnik introduced the discussion on this topic underlying that this had been one of the tasks to which she had devoted most of her efforts and work during the last months. The Presidency Committee as well had debated at length this problem, on the basis of the resolution adopted last year in Trondheim. She read the final part of this document and reported on the works of the "Subscription Committee" and of the Presidency Committee on this matter. She also thanked the members of the "Subscription Committee" and in particular Mr Blair who had provided French translation. President Tratnik then read Article 4, Paragraphs 8 and 9 of the statutes of the IAJ, pointing out that the Central Council was the only statutory body which was entitled to interpret provisions of the statutes. Therefore the Presidency Committee had just given a provisional interpretation on the issue of the loss of the status of member, leaving any final decision to the Central Council. She then evoked the contents of the letter she had sent before the meeting on this issue, quoting the provisional interpretation given by the Presidency Committee to the relevant provisions of the IAJ statutes.

In particular she pointed out that the Presidency Committee gave its provisional interpretation of Article 4, paragraphs 8 and 9 of the IAJ's Constitution as below:

"The subscription must be paid to the General Secretariat before the 31st January of each year (Article 4 of the Regulation under the Constitution). Taking into consideration the praxis of many associations to pay in cash their subscriptions on the occasion of the Central Council meeting, the Presidency Committee advised that the payment can be considered timely if made before the beginning of the first session of the first meeting of the Central Council, whenever the Central Council sits after 31st January. The opening ceremony usually precedes the first meeting of the Central Council and, therefore, payments during the opening ceremony can be considered timely.

The association which in previous years has paid all contributions but has not paid the one concerning the current year does not lose its voting right, because its payments in arrears have not reached the threshold of 'over one year'.

As far as payment 'in arrears of over one year' are concerned, the Presidency Committee, taking the current year (2008) as an example, decided that member associations can be considered in the situation described by Article 4 paragraph 8. if, before the start of the first session of the first meeting of the Central Council in Yerevan, they do not pay their fees in full for the years 2007 and 2008. Payment made for only one year (2007 in the example) cannot be considered as 'in full', as required by the Constitution. Therefore the concerned associations, settling only the debt for 2007, could not recover their voting rights during the sessions of the Central council in Yerevan, as the requirement of an 'in full' payment can only be met if the entire sum due to the IAJ is paid.

The Presidency Committee advised that the same interpretation should apply to the provision of Article 4 paragraph 9, which refers to payment 'in arrears of over three years'. Therefore associations

which will not have paid their fees for the years 2005, 2006, 2007 and 2008 before the beginning of the first session of the first meeting of the Central Council in Yerevan will be considered in the situation envisaged by Article 4, paragraph 9.”

The President then opened the floor on this issue.

Mr Aikens (United Kingdom) declared he agreed with the above referred temporary interpretation, but requested to set up a working group charged to ascertain the exact moment in which contributions should be paid, possibly amending Art. 4. President Tratnik replied that she had made reference to Article 4, Para. 2, of the regulations, where a deadline is set. Mr Zuccarelli (Italy) proposed to modify the statutes and/or the regulations in order to better co-ordinate Article 4 of the statutes with Article 4 of the regulations.

President Tratnik proposed then to adopt the interpretation proposed by the Presidency Committee and to postpone the final decision to the preparation of a report by a working group which will draw new proposals to be submitted to the Central Council. Until such a new decision, the above mentioned provisions of the statutes will be interpreted as provisionally proposed by the Presidency Committee. This proposal was unanimously approved by the Central Council.

After this, Vice-President Solbakken took the floor to refer on the results of the works within the “Subscription Committee.” He evoked as well the conclusions of the report, which had been sent to all national associations before the meeting. President Tratnik thanked the members of the Committee and opened the discussion on the final proposals of it, explaining that, according to such proposal, the associations of Burkina Faso and Venezuela should not loose their membership until a new decision to be adopted by next year’s meeting of the Central Council.

Mr Zuccarelli (Italy) explained he did not agree with the proposal for Venezuela, adding that IAJ lost contact with this association since long time and that, according to a constitutional provision of that country, judges are not allowed to form an association. A lively discussion took subsequently place, during which delegates from Israel, United Kingdom, Austria and Sweden took the floor. Honorary President Beneti explained he had contacts with the colleagues of Venezuela, who are currently fighting in order to have the above mentioned provision quashed. President Tratnik explained that the decision was referred only to this year, until next meeting of the Central Council and called for an open vote on the proposal concerning the possible loss of membership of the association of Burkina Faso. A first open vote was held on the automatical loss of membership in case Burkina Faso will not pay in full its arrears before next years’ meeting. This proposal was approved with one abstention.

After this a second open vote was held on the proposal of the “Subscription Committee,” according to which the association of Burkina Faso would not cease to be a member for this year. The proposal was approved with one vote against and one abstention.

President Tratnik opened then the discussion on the case of Venezuela. Mr Reissner proposed to follow the same procedure adopted for Burkina Faso, voting first of all on the automatical loss of membership in case of non-payment before next year’s meeting.

This proposal was rejected after an open vote (28 votes against, 12 in favour and 6 abstentions).

President Tratnik called then for an open vote on the proposal of the “Subscription Committee,” according to which, as for the case of Burkina Faso, the association of judges of Venezuela should not cease to be member for this year, until next year’s meeting of the Central Council. This proposal was rejected (23 votes against, 16 in favour and 5 abstentions).

Upon proposal of the President, the assembly decided to set up a special commission, composed of Mr Blair (Canada), Mrs. Linares Santiago (Porto Rico), Mr Steenbeck (Netherlands) and Mr Traoré (Mali). The commission will choose its President and prepare a report as well as a proposal before the end of March 2009 on possible modification of statutes and/or regulations concerning the consequences of non-payment of annual fees. The Commission will stay in close contact with the General Secretariat.

The session was closed at 2.05 p.m.

Session of 10th 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, Mr Raffaello Gargiulo, Marcello Marinari 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):

ALGERIA (OBSERVER)	LIECHTENSTEIN
ARGENTINA	LITHUANIA
ARMENIA (EXTR. MEMBER)	LUXEMBOURG
AUSTRALIA	MALI
AUSTRIA	MOROCCO
BELGIUM	NETHERLANDS
BENIN (OBSERVER)	NICARAGUA (OBSERVER)
BOSNIA AND HERZEGOVINA (OBSERVER)	NIGER
BRAZIL	NORWAY
CANADA	PARAGUAY (PROXY)
CROATIA (PROXY)	POLAND
CYPRUS	PORTUGAL
CZECH REPUBLIC (PROXY)	PUERTO RICO
DENMARK	REP. OF CHINA (TAIWAN)
EL SALVADOR	ROMANIA
ESTONIA	SERBIA (OBSERVER)
FINLAND	SLOVENIA
FRANCE	SOUTH AFRICA
GEORGIA	SPAIN
GERMANY	SWEDEN
HUNGARY	SWITZERLAND
ICELAND	TOGO
IRELAND	TUNISIA
ISRAEL	UKRAINE (EXTR. MEMBER)
ITALY	UNITED KINGDOM
IVORY COAST	UNITED STATES OF AMERICA
KAZAKHSTAN (EXTR. MEMBER)	URUGUAY
LATVIA	

President Tratnik opened the session at 3.30 p.m., explaining that the boards placed on the tables and bearing names of the countries had been put this time in reversed alphabetical order, in order to allow countries which had been previously put in the last rows to be this time in the first rows. She then passed to examine the following points in the agenda.

11. Budget of the International Association of Judges;

See enclosure No. 3.

Presenting the subject, President Tratnik explained that the documents distributed by the General Secretariat referred to the situation at the date of 3rd September 2008. She then expressed her warmest thanks to the Italian Association for its special financial contribution – which has been granted for eight years – to the expenses of the General Secretariat as well as for the highly qualified contribution in terms of human resources provided. This contribution, in the annual amount of 12,395.00 Euro, is allotted only for the salary of the Assistant to the General Secretariat.

Secretary-General Mura took the floor to clarify some points and update the report with the payments received after 3rd September 2008. He added that Argentina and Porto Rico had settled all their duties, while Panama, Portugal and U.S.A. had informed the General Secretariat to have paid in those very days. He informed as well the assembly that the Presidency Committee had decided that, in case the Central Council should admit new members during its sessions in Yerevan, the contribution paid by these associations should be put in the items that the Secretary-General will individuate according to the needs. On the occasion, the budget will be also amended taking into account the associations which might cease to be IAJ members. For all other questions Mr Mura referred to his written report.

Mr Zuccarelli took the floor to underline the importance of the effort done by the Italian Association.

Upon proposal of the President the assembly unanimously approved the draft budget for the year 2008-2009.

12. Report by the auditors:

After the report of the auditors, who had been charged with examining the accounts (Mr Balsamo and Mr Gass), the assembly unanimously approved the financial report and the budget for the year 2007-2008 and discharged the Secretary-General of any responsibility in this respect. Mr Gass expressed a special thank to the General Secretariat for the excellent fulfilment of their duties by keeping the accounts in that precise and honest way.

13. Applications for membership in the IAJ: association of judges from Algeria (rapporteurs Mrs. Fatoumata Diakite and Mr Louis Denecker), Benin (rapporteurs Mr Aboudou Assouma and Mrs. Louise Mailhot), Bosnia and Herzegovina (rapporteurs Mrs. Margarita Tsatsa Nikolovska and Mr Ernst Markel), Congo (rapporteurs Mrs. Cécile Zakpa and Mr Louis Denecker), Nicaragua (rapporteurs Mrs. Cristina Crespo and Mrs. Mirinda Vicenty), Serbia (rapporteurs Mr Ales Zalar and Mr Robert Blair) (documentation: letter of 19th June 2008):

Introducing the debate on this topic, after that the delegates of the concerned associations had left the room, President Tratnik pointed out that the General Secretariat, in preparation of the meeting in Yerevan, had sent to all national associations all the reports concerning countries which had submitted an application for membership and the General Secretariat had received no remarks on that subject. She also evoked the decisions adopted by the Presidency Committee and the Central Council on the subject of admission of new members and thanked all rapporteurs for the remarkable work done.

Algeria.

Vice-President Diakité and former Vice-President Denecker took the floor to illustrate their written report on Algeria, concluding for the admission of this association as ordinary member.

After a discussion during which delegates from Sweden, United Kingdom, Romania, South Africa, Germany, Italy, Mali, Israel took the floor, delegates from the United Kingdom, Germany and Sweden asked for a secret ballot. The delegate from the United Kingdom advocated new rules for admission of new members, requiring a necessary first step consisting in the possible admission as extraordinary member and a second step, consisting in the possible admission as ordinary member, after a thorough examination of the progresses of the applicant association by a special commission to be set up within the IAJ.

At this point the Secretary-General pointed out that statutory rules require for the admission of new members a majority of three quarters of the votes cast.

Mr Zuccarelli expressed the opinion that a proposal for ordinary membership could not be interpreted as a proposal for extraordinary membership; therefore the secret ballot on the application of Algeria could only refer to the proposal for ordinary membership and, in case of rejection of this proposal, no vote could take place on the question of extraordinary membership.

President Tratnik decided to adjourn the decision after the presentation of the other reports.

Benin.

Mr Assouma (Togo) and former Vice-President Mailhot took the floor to illustrate their written report on Benin, concluding for the admission of this association as extraordinary member.

After an open vote the association of Benin was unanimously admitted as extraordinary member of the IAJ.

The representative of the association of Benin was introduced into the meeting room and took the floor to thank the assembly for this vote.

Bosnia and Herzegovina.

President Tratnik pointed out that one of the two rapporteurs, Mrs. Tsatsa Nikolowska (Former Yugoslav Republic of Macedonia), could not travel to Yerevan. The other rapporteur, Honorary President Markel, took the floor to illustrate the written report, concluding for the admission of the applicant association as ordinary member.

After a debate during which delegates from the United Kingdom, France, Germany, South Africa took the floor, delegates from France, the United Kingdom and Germany called for a secret ballot and the delegate from Sweden proposed to admit the association as extraordinary member.

President Tratnik decided to adjourn the decision after the presentation of the other reports.

Democratic Republic of Congo.

Mrs. Cécile Zakpa (Ivory Coast) and former Vice-President Denecker took the floor to illustrate their written report on the association of the Democratic Republic of Congo, concluding for the admission of this association as extraordinary member. After an open vote the applicant association was admitted as extraordinary member, with one abstention.

Nicaragua.

President Tratnik pointed out that one of the two rapporteurs on the application of Nicaragua, Mrs. Mirinda Vincenty (Porto Rico), could not attend the meeting in Yerevan. Mrs. Cristina Crespo (Uruguay) illustrated the written report concluding for the admission of that association as ordinary member. After a long debate, during which delegates from Netherlands, United Kingdom, Romania, Germany, France took the floor, delegates from France, United Kingdom and Germany asked for a secret ballot.

President Tratnik decided to adjourn the decision after the presentation of the report on Serbia.

Serbia.

Mrs. Tratnik explained that Mr Zalar (Slovenia) was not attending the meeting because meanwhile he had left the judiciary. Mr Blair (Canada) took the floor to illustrate the written report, concluding for the admission as extraordinary member. After an open vote, the applicant association was unanimously admitted as extraordinary member. The representative of the Serbian Association was introduced into the meeting room and took the floor to thank the assembly.

President Tratnik explained the procedure to be followed for the secret ballot vote on the applications of Algeria, Bosnia and Nicaragua. Upon proposal of the President the assembly appointed Mrs. Costiniu (Romania), Mr Steenbeck (Netherlands) and Mr Gomez (Brazil) as commissioners charged of counting the votes and decided to postpone this vote after having dealt with points 17. and 14. of the agenda, in order to allow the General Secretariat to prepare the ballots for the above mentioned secret ballot votes.

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

The delegate from Morocco, Mr Farès, took the floor to inform the assembly that the Moroccan Association was ready to invite all delegates to the next IAJ meeting in Casablanca (Morocco) from 10 to 15 October 2009. That date had been arranged in order to avoid the period of Ramadan. President Tratnik pointed out that the association of judges of Morocco had perfectly organized the meeting of the African Group this year and thanked, also on behalf of the assembly, the Moroccan Association for their availability. The assembly approved unanimously the proposal to hold the IAJ 2009 meeting in Casablanca in the dates indicated by the Moroccan Association.

14. Application of the Association of Armenia for ordinary membership (rapporteur Mr Giacomo Oberto) (documentation: letter of 19th June 2008):

President Tratnik pointed out that the Association of Armenian Judges had been admitted as extraordinary member in Montevideo (2005) on the basis of a report prepared by Deputy Secretary-General Mr Oberto. The Presidency Committed had therefore appointed again Mr Oberto as rapporteur for the new application for ordinary membership, taking into account that Mr Oberto had repeatedly visited the country as a Council of Europe expert. Mr Oberto took the floor to illustrate his written report, which had been sent before the meeting to all national associations, concluding for the admission of the applicant association as ordinary member.

The delegate from the United Kingdom took the floor to point out that he found unfortunate that the issue was to be discussed in Yerevan, as the Armenian Association had been a very good and generous host. He asked therefore to postpone the vote on the proposal to next year's meeting. He also explained that, in his opinion, some remarks made by the President of the Supreme Court of Armenia during his opening speech could lead to think that Armenian association could not be admitted as ordinary member. Delegates from Germany, Switzerland and Sweden took the floor to express similar views. President Tratnik then called for an open vote on the proposal of postponement of the decision on the application of Armenia. The proposal was rejected by the assembly (28 votes against, 17 in favour and 2 abstentions).

As delegates from the United Kingdom, Germany, Switzerland and Sweden had requested a secret ballot on the application, the President called for a secret ballot on the proposal of the admission of Armenia as ordinary member. After the vote, Mr Steenbek for the commission to count the votes took the floor to read the result of the ballot, according to which Armenia was admitted by the assembly as IAJ ordinary member (on 47 votes cast, 37 votes were in favour of the proposal, 9 against and one abstention).

13. Results of the secret ballots votes on the applications of Algeria, Bosnia and Herzegovina and Nicaragua.

After the General Secretariat had prepared the ballot votes on the applications of Algeria, Bosnia and Herzegovina and Nicaragua, President Tratnik called for the vote. After this, Mr Steenbek for the commission read the results of the secret ballots vote on the applications of Algeria, Bosnia and Herzegovina and Nicaragua as ordinary members. All such proposals were rejected, as the minimum vote of three quarters of votes cast was not reached (Algeria: 22 in favour, 25 against; Bosnia and Herzegovina: 28 in favour, 19 against; Nicaragua: 23 in favour, 23 against and one blank).

President Tratnik referred to the assembly that meanwhile the Presidency Committee had decided to interpret the will of applicant associations as well as the proposals of rapporteurs in the sense that applications and conclusions of rapporteurs could be referred to the status of extraordinary member, in case of rejection of the proposal for ordinary membership.

After an open vote on these proposals the associations of judges of Algeria, Bosnia and Herzegovina and Nicaragua were admitted as extraordinary members (Algeria with one abstention, Bosnia and Herzegovina and Nicaragua unanimously).

Representatives of Armenian, Algerian, Bosnian and Nicaragua Associations took subsequently the floor to thank the assembly.

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

The President introduced this item by reminding delegates again of the procedures for the election that had been provided for by the statutory provisions adopted in Vienna in 2003. She explained that there was just one candidate for the post of President of the IAJ, i.e. the present First Vice-President José Maria Bento Company, and proposed to acclaim Mr Bento Company as President. Mr Bento Company was elected President by acclamation.

President Tratnik called for an open vote on the candidatures for the posts of Secretary-General and Deputy Secretaries-General. Mr Mura was re-elected by acclamation Secretary-General of

the IAJ. Mr Oberto, Mr D'Agostino, Mr Gargiulo, Mr Marinari and Mr Aschettino were unanimously re-elected Deputy Secretaries-General.

At this point the delegate from Tunisia delivered the General Secretariat a proxy given from Morocco to Tunisia.

As for the election of Vice-Presidents, the total number of countries admitted to the voting (directly or by proxy) was 48. Elections followed by secret ballot. After that, the commission of delegates elected to count the votes performed its task.

Following the results of the elections by secret ballot, Mrs. Crespo (47 votes), Mrs. Diakite (47 votes), Mr Reissner (37 votes), Mrs. Seybert (47 votes), Mr Solbakken (44 votes) and Mr Valancius (36 votes) were elected Vice-Presidents. Mr Aikens obtained 24 votes. One ballot was declared null and void.

Mr Assouma (Togo) took the floor to propose Mrs. Diakité for the post of First Vice-President. Mr Teague (Canada) proposed Mrs. Seybert for the post of First Vice-President. President Tratnik called for a secret ballot vote for this post. Following the results of the elections by secret ballot, Mrs. Diakité (25 votes) was elected First Vice-President of the IAJ. Mrs. Seybert got 21 votes. One vote was declared null and void. In all, 47 votes were cast.

At this point the retiring President Mrs. Tratnik gave a farewell speech in which she thanked again all the members of the Presidency Committee, all delegates and all the members of the General Secretariat.

Upon the proposal of the new President, Mr Bento Company, Mrs. Tratnik was elected by acclamation Honorary President of the IAJ.

The new President, Mr Bento Company, then took the Chair.

The President
Maja TRATNIK

The Secretary-General
Antonio MURA

President Bento Company thanked the assembly for his election. He declared himself to be both honoured and moved by the confidence of the assembly and he promised to devote himself to the cause and activities of the IAJ.

Honorary President Beneti took the floor to address some words to the delegates, thanking the assembly and pointing out that it had been a great pleasure and honour to serve as member of the Presidency Committee, as President and as Honorary President of the IAJ.

The session was closed at 9.15 p.m. and Vice-President Valancius informed the assembly that an extraordinary meeting of the EAJ would be held on the following day at 9.30 a.m., in order to elect the EAJ President.

Session of 11th September

Present: the President, Mr José Maria Bento Company, the Vice-Presidents Mrs. Cristina Crespo, Mr Gerhard Reissner, Mrs. Joanna Seybert, Mr Bjorn Solbakken and Mr Virgilijus Valancius; the Honorary Presidents Mrs. Maja Tratnik, 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. 4):

ARMENIA	KAZAKHSTAN (EXTR. MEMBER)
AUSTRIA	LATVIA
BELGIUM	LIECHTENSTEIN (PROXY)
BOSNIA AND HERZEGOVINA (EXTR. MEMBER)	LITHUANIA

BRAZIL	LUXEMBOURG (PROXY)
CANADA	NETHERLANDS
CROATIA (PROXY)	NIGER
CZECH REPUBLIC (PROXY)	NORWAY
DENMARK (PROXY)	PARAGUAY (PROXY)
EL SALVADOR	POLAND
ESTONIA	PORTUGAL
FINLAND (PROXY)	SERBIA (EXTR. MEMBER)
FRANCE (PROXY)	SPAIN
GEORGIA	SWITZERLAND
GERMANY	UKRAINE (EXTR. MEMBER)
HUNGARY (PROXY)	UNITED KINGDOM
ICELAND	UNITED STATES OF AMERICA
IRELAND	URUGUAY

President Bento Company opened the session at 10.00 by welcoming all delegates and expressing his feelings of gratitude and honour, having been called to preside over the IAJ for the next two years, so being able to contribute to the fight for the independence of the judiciary all over the world. He then passed to the examination of the remaining points of the agenda.

16. Reports by the Presidents of the Study-Commissions. Selection of the new subjects:

President Bento Company called on the Presidents of the four Study Commissions to report on the conclusions of the commissions. These commissions were on the subjects: “The relationship between the executive and the judiciary in a democratic society: the question is – who should be master?” (1st Study Commission: Mr Gerhard Reissner); “Damages for personal injury” (2nd Study Commission: Mr Robert Blair instead of Mrs. Nina Betetto, who could not attend this session); “Sex offences: today’s problems and effective legal solutions” (3rd Study Commission: Mrs. Mary Moreau); “Rights of parents in the employer-employee relationship” (4th Study Commission: Mrs. Lèbe-Dessard, instead of Mr Gerhard Kuras, who could not attend this session).

The Presidents also proposed the subjects for the Study Commissions for 2009.

The Central Council approved the conclusions as well as the proposals of the commissions on the following topics for 2009: “Ways to identify and classify criteria, objective and subjective, by reference to which the independence of the judiciary may be assessed” (1st Study Commission); “The treatment of commercial disputes” (2nd Study Commission); “Interception of communications and its impact on privacy rights” (3rd Study Commission); “Equal opportunity in employment for disabled and older persons” (4th Study Commission).

1st – Mr Richard Aikens (United Kingdom); Vice-presidents: Mr Christophe Régnard (France) and Mr Pol van Iseghem (Belgium); Secretary: Mr Peter Hal (U.S.A.).

2nd – Mr Robert Blair (Canada); Vice Presidents: Ms. Carole Besch (Luxembourg); Mrs. Zila Zfat (Israel)

3rd – Mrs. Mary Moreau (Canada); Vice-presidents: Mr Momble Messey (Ivory Coast) and Mr Frans Bauduin (the Netherlands).

4th – Mr Gerhard Kuras (Austria); Vice-presidents: Mr Philippe Bron (Belgium) and Mrs. Bernice Donald (USA); Secretary: Laurent Bedouet (France).

President Bento Company thanked all the Study Commissions.

18. Miscellanea.

President Bento Company informed the assembly that, on that very morning, the EAJ had elected its new President in the person of IAJ Vice-President Bjorn Solbakken; he therefore congratulated the newly elected President and thanked as well Vice-President Virgilijus Valancius for the remarkable work done while President of the EAJ. President Bento Company thanked also

Honorary President Tratnik for the work done during these years and asked the assembly to express its gratitude.

Taking the floor Mr Aikens asked that the Presidency Committee considers the formation of a permanent commission to follow the progress of extraordinary members in the struggle for the independence of the judiciary.

President Bento Company explained that this issue will be addressed by the Presidency Committee.

The President of the hosting association took the floor to thank all delegates for their participation and President Bento Company closed at 11.05 a.m. the meeting expressing again his thanks to all participants as well as to the hosting association for the perfect organisation of the meeting and the warm hospitality.

The President
José Maria BENTO COMPANY

The Secretary-General
Antonio MURA

Enclosures:

1. List of the delegates to the session of 8th September of the Central Council;
2. List of the delegates to the session of 10th September of the Central Council;
3. Budget and financial report;
4. List of the delegates to the session of 11th September of the Central Council.