



MEETING OF THE PRESIDENCY COMMITTEE  
BY VIDEO LINK  
Friday 13 November (01.00 pm CET-3.00 pm CET)

**MINUTES**

In attendance:

Mr. Tony Pagone	President (video from Australia)
Mr. José Manuel Igreja Matos	First Vice-President (video from Portugal)
Ms. Allyson Duncan	Vice-President (video from the USA)
Mr. Djamel Aidouni	Vice-President (video from Algeria)
Mr. Đuro Sessa	Vice-President (video from Croatia)
Mr. Mikael Sjöberg	Vice-President (video from Denmark)
Mr. Giacomo Obetto	Secretary-General (video from Italy)
Mr. Raffaele Gargiulo	Deputy Secretary-General (video from Italy)
Mr. Lucio Aschettino	Deputy Secretary-General (video from Italy)
Ms. Daniela de Vincentiis	Assistant to the Secretary-General (video from Italy)
Ms. Barbara Scolart	Assistant to the Secretary-General (video from Italy)

- 1. Proposals for next meeting of Central Council (incl. questions of applications for membership, consequences of non-payment of arrears, etc. as indicated on the document spread by the SG);**
- 2. Proposed arrangements for next elections for Presidency Committee;**

President Pagone started the meeting noting that it seems unlikely to hold a meeting in Costa Rica in 2021 and that the more likely scenarios are a smaller CC meeting somewhere in Europe in 2021 or another postponement to 2022.

Vice President Sessa shared his recent experience at a two-days meeting of the CCJE by videoconferencing: there were 60 people attending, the platform used was Kudo and everything run well. Secretary-General Oberto added that, at the beginning of the week, he presided over a meeting of CEPEJ through Kudo and underlined its most important feature, i.e. that of allowing translations with interpreters. The platform only allows 4 people to be contemporaneously on the screen, one of whom is the person who is speaking at a given moment.

Mr. Oberto then summarized the content of the document he shared with the PC members on the eve of this meeting. He proposed to set May 2021 as deadline for deciding what course to adopt. If, within that date, there is not an association able to organize the 2021 meeting, the attempt to hold a meeting in 2021 face to face will need to be abandoned. The General Secretariat could organize a meeting in Italy, but a final decision on this possibility must be taken by June, because even the organization of a smaller meeting needs time. He then underlined the main problems that must be taken into consideration for a meeting by videoconferencing. The first issue is the need for quorum, which might be jeopardized by fewer attendances from African and Ibero-American Groups. Even the EAJ, in its recent virtual meeting, gathered only 2/3 of its members. Another issue is the submission of candidatures for the posts of Vice-Presidents that, according to the Regulation, must be presented in written form at the first session of the meeting of the Central Council. Then, there must be remembered the issue of the acclamation of the President and the Honorary President and the need for ballot papers for the six Vice-Presidents. The PC must find solutions for all of these issues, which the technicians can implement while designing the appropriate platform.

Vice-President Sessa proposed that a vote should be taken only if the number of candidates exceeds the number of available positions and, in any case, only for the Regional Groups for which there is more than one candidate, while the other Vice-Presidents could be elected by acclamation.

President Pagone noted that the Regulation's provision concerning nominations of candidates would be inconsistent with partial voting, but Mr. Oberto said that one could ask the technicians to draw an algorithm to adapt the ballot paper for the actual number of people to be elected. What is needed is that nobody asks for a secret vote.

Mr. Oberto then dealt with the time for voting asking whether the PC wants an automatic system that will provide the results immediately or it wants to leave time to facilitate the greatest possible number of votes. As to the election of the Presidents of Regional Groups, one could envisage that they gather some days after the CC meeting to choose their Presidents (in those cases when there is more than one elected Vice President belonging to a Group). Mr. Sessa and Mr. Igreja Matos pointed out that there was no reason for not having a Regional Group meeting some days after the CC. However, President Pagone and Mr. Oberto reminded the PC that it could be necessary for the EAJ regional group to meet between sessions of CC if it became necessary to elect the EAJ President.

Mr. Oberto proposed also to vote the first day on admissions and exclusions, then on the amendment to the Constitution and Regulations. He added that these documents should be amended to streamline and make manageable meetings by videoconferencing.

Finally, Mr. Oberto dealt with non-compliance with the payment of arrears. The Presidency Committee noted the problem of the automatic expulsion clause and that it was not possible for the Central Council to decide on the contrary until it meets. Mr. Oberto suggested either to freeze the situation of memberships at 31 December 2019 or that the PC proposes to the CC to vote on the maintenance of membership for all those members having more than three years of arrears.

First Vice President Igreja Matos urged the Presidents of the Regional Groups to encourage the participation of member associations, in order to reach the necessary quorum for the voting.

President Pagone recalled the possibility of giving proxies noting that would "solve" also the issue of time differences between countries that will be in the wrong time zone.

The Presidency Committee decided that the Secretary-General would discuss with the technicians all of the above-mentioned issues and would report at the next meeting. President Pagone and First Vice President Igreja Matos will also be involved in this activity. Mr. Igreja Matos suggested to hold the virtual CC meeting in September because experience has shown that, at that time of the year, pandemic diminishes and this would allow the members of the Presidency Committee to gather somewhere, for example in Rome, and to manage the CC meeting together from the same place. The PC agreed.

The Presidency Committee also decided to recommend a freeze of the situation of memberships as at 31 December 2019 and to ask the Secretary-General to draft a proposal of amendments concerning the meetings in videoconferencing mode.

### **3. Proposal for next Regional Group Meetings;**

Mr. Igreja Matos said that the Portuguese Association would take a decision on whether to hold a meeting in Porto by the end of this month. Should travels be allowed by public authorities, the meeting could be organized in few weeks because everything is already set. Otherwise, the Group will gather by video-link after the Christmas holidays and then again in May or June to decide the candidatures for the posts of Vice Presidents.

Mr. Aidouni announced that the African Group would gather in April or May and, if the situation would allow it, the meeting will be in person in Tunisia.

Mrs. Duncan said that the Anao Group would have the same schedule as the EAJ.

### **5. Problems posed by the resignation of Vice President Rafael De Menezes**

President Pagone recalled the proposal of Vice-President De Menezes that the IBA Group appoints an acting President who will take part, with no voting right, to the meetings of the Presidency Committee. The PC agreed.

#### **4. Proposals for meetings of Study Commissions;**

#### **8. Webinars**

President Pagone proposed to encourage Study Commissions to meet differently, i.e. organizing lectures. Mr. Oberto noted that the Boards did not seem very active this year, even though their activity is not as much influenced by distance as for the CC. Ms. Duncan observed that a possible reason for their unenthusiastic reaction was the hope that the crisis might only last a few months instead of a year, therefore the PC should ask them to reconsider their schedule because there is the real risk that a normal meeting will not be possible neither in 2021.

Mr. Sessa proposed, taking into account that many organizations and associations are studying the impact of covid on the administration of justice, to deal with different topics.

President Pagone wondered whether a letter to the Boards signed by himself and the Secretary-General might help and pointed out that a debate on covid and justice was ongoing in many places but not in less developed countries or in small countries.

Mr. Igreja Matos proposed to link this issue with point 8 of the agenda (webinars) and that the PC should be proactive and inform the Study Commissions that the PC wants them to organize 4 webinars in September, in the same period as the CC: they might chose the method – questionnaires and conclusion; lectures – but they have to organize something and they could also do it in Springtime if not in September. The Presidency Committee agreed.

#### **6. Budgetary issues;**

The Presidency Committee decided that in 2021 the General Secretariat will ask Member Associations to pay the entire amount of the annual contribution and that it will be up to the Central Council to decide possible reductions of the amount to be paid.

#### **7. Proposal from Thomas Stadelmann for using another e-mail and communication system;**

Mr. Oberto summarized the proposal of Mr. Stadelman to use a platform named “hallway”: the program sends invitations for an informal short video chat, whoever wants and has time can participate, whoever doesn't want to just ignores the message. Mr. Oberto noted that to be involved in such a platform would enormously increase the daily work of the Secretariat, and would also create a risk that people might think that it is the official way to communicate with the IAJ. The Presidency Committee decided not officially to endorse the project.

#### **9. General Business.**

Mr. Oberto informed the Presidency Committee about the letter that the Senegalese Ministry of Justice sent to the African Group. After a debate, the Presidency Committee decided to forward the letter to the Senegalese Association asking for a reply.

The Presidency Committee decided to hold its next meeting in March, hopefully in person.

The President closed the meeting at 2.30 p.m. (Italian time).