



TELEMATIC MEETING OF THE PRESIDENCY COMMITTEE

VIA ZOOM

Wednesday 15 April 2020 (12.00 Italian time)

Participants:

Mr. Tony Pagone	Vice-President
Mr. Christophe Régnard	Honorary President
Mr. José Manuel Igreja Matos	First Vice-President
Mr. Rafael de Menezes	Vice-President
Ms. Allyson Duncan	Vice-President
Mr. Đuro Sessa	Vice-President
Mr. Mikael Sjoberg	Vice-President
Mr. Giacomo Oberto	Secretary-General
Mr. Galileo D'Agostino	Deputy Secretary-General
Mr. Raffaele Gargiulo	Deputy Secretary-General
Mr. Lucio Aschettino	Deputy Secretary-General

Mr. Oberto summarized the main issues to be dealt with.

There still was not an answer from the Association of Costa Rica to the letter of President Pagone asking whether it might be possible to held the meeting in Costa Rica in, for example, January 2021 or September 2021. Mr. Oberto noted that in its first communication about covid-19 the Association seemed open to any possibility and he was confident that it would be able to organize the meeting either at the beginning or at the end of 2021. He added that the Israeli Association proposed to host the meeting at the end of 2022 or, maybe better, at the beginning of 2022. Some members of the PC already remarked that this would result in too many close meetings between the end of 2021 and the spring of 2022 and in no meetings between the spring of 2022 and the next Central Council meetings in the fall of 2023.

Mr. Oberto added that the Association of Taiwan was available to host a meeting immediately after that in Israel.

Mr. Oberto proposed to inform all IAJ members about the postponement of the Central Council and its consequences. As to the Regional Groups, the PC could leave them the freedom to organize at another time the meetings of this spring that have been cancelled: they can postpone them to the same season in 2021 or choose another date -maybe in autumn 2020- because there are no statutory provisions on the date of their meeting, which are usually held in spring because the PC meets in June. The situation of the Study Commission is clearer because all their Presidents agreed not to have a virtual meeting but to hold meetings in presence on the occasion of the next CC. Therefore, it must only be decided the new deadline for the answers to the questionnaire, informing those Association that already sent their contributions that they may update them, the case being.

As to the Working Groups, the one on the assistance to judge is already constituted and started to work via e-mail exchanges: therefore, it may continue its activities. As to the Commission for the monitoring, it would be wise to postpone its works to 2021, what means that the first group of 31 associations must be informed of the deferral of the deadline for submission of the report. As to the WG on the Statute,

for which, as for the Commission, the members must still be appointed, its works could also be postponed to next year

Mr. Oberto proposed to prepare a letter summarizing this package of PC decisions for the Member Associations and added that the General Secretariat hypothesized also a reduction to half of the annual contributions for the 2020.

President Pagone added that there was also to decide whether to hold or not the PC meeting in Verona. He noted that to attend two general meetings in one year would be too burden for the IAJ members. He proposed to postpone every meeting by one year, keeping the idea of gathering in Costa Rica and going to Israel only if the Costa Rican Association would declare its unavailability.

Mr. Igreja Matos agreed on freezing everything and restart in 2021. He understood from the communication of Costa Rica on March 31st that it remained committed for next year. Therefore, the meeting could be held in Costa Rica in September 2021 and the Regional Groups could gather in spring 2021. The President of the Portuguese Association, who was organising the EAJ meeting this May, confirmed its willingness to host the meeting also next year but, since the Board of the Association will be renewed in spring, he would prefer to organize it in February or March, not to bind the new board.

Mr. De Menezes announced that he had just received a whatsapp message from Adriana Orocu, Costa Rica, confirm the availability of her Association to host the Central Council in 2021.

**The Presidency Committee decided therefore to postpone the Central Council by one year, in Costa Rica if it can and otherwise in Israel.**

President Pagone said that in his opinion it would be impossible **to have the PC meeting** in Verona and proposed to have a virtual one **via zoom. The Presidency Committee agreed.**

President Pagone then came to the proposal of the General Secretariat to reduce to half the 2020 membership fees.

Mr. Igreja Matos said that IAJ members could wonder why they should pay them at all, considering that there will be no meetings this year. Mr. Sessa replied that the General Secretariat keeps working and the annual fees are meant to finance also its daily activities.

**The Presidency Committee decided to reduce to half the 2020 annual contributions.** Those members who already paid the entire amount will pay half in 2021.

As to the Working Groups, President Pagone agreed on the proposals of the Secretary General and so did all the members of the Presidency Committee.

As to the Study Commissions, President Pagone was considering addressing their Boards a letter asking them to consider as separate topic for discussion the impact of the corona virus restrictions upon the work of the judiciaries.

Mr. Oberto then informed the PC about a request coming from the French Association: the possibility of carrying out a survey within the IAJ member associations about the measures restricting judicial activity and in what form they have been decided in Europe (and worldwide) since the beginning of the pandemic. Mr. Oberto said that there were two options: either asking the 1st Study Commission -whose work focuses on the organization of the judiciary- to manage the survey or conferring the task to the General Secretariat.

Mr. Sessa approved the idea stressing that also other international organizations were dealing with the same issue and proposed to charge the 1st SC. Mr. Sjöberg and Mr. Igreja Matos also proposed to charge the 1<sup>st</sup> SC.

President Pagone recalled his intention to ask all Presidents of the Study Commissions to investigate the impact of the corona virus on judicial activities and Mr. Sessa added that the 2<sup>nd</sup> and the 3<sup>rd</sup> SC might as well evaluate the issue of the organizations of civil and criminal hearings in time of pandemics. Ms. Duncan agreed on the cross-cutting character of the topic.

President Pagone said that he would address a letter to the four Presidents asking to coordinate their researches and sending them the letter from the French Association, encouraging them to prepare a coordinated questionnaire.

Honorary President Regnard proposed to deal with this matter in **two steps: first, the General Secretariat sends a general message asking the associations to provide information about eventual problems in their countries due to corona virus** so to obtain short answers of general character on the main problems; **second, the Study Commissions will go more in depth with specific questionnaires on their respective items.**

**The Presidency Committee agreed on that proposal.** President Pagone and Secretary-General Oberto will deal with it.

Mr. Oberto then mentioned the **applications *in itinere***: Gabon and Philippines plus Yemen. The applications of the first two were almost ready to be presented to the CC and **the only possibility is to postpone. The PC agreed.**

Mr. Oberto then introduced the question of the **automatic prorogation of the Presidency Committee and of the General Secretariat to be proposed in the package for the national associations**, stressing the necessity of this solution due to the inevitable, unprecedented events, not foreseen by any statutory provision.

President Pagone said that Mr. Stadelmann put him in contact with somebody who might help organizing a virtual Central Council and he will inform the PC about the results. One could also consider a little change in the Constitution to manage this sort of situations. The Central Council could also issue a resolution in 2021 acknowledging the past event, ratifying this “illegal” conduct.

Mr. Oberto proposed to inform IAJ members about the prorogation, not asking a vote by email - due also to the uncertainty about who represents each member association - but asking at least whether there are objections to this procedure. President Pagone said that in his opinion it would be preferable **not to ask whether there are objections. The Presidency Committee agreed.** President Pagone and Mr. Oberto will work on a fair wording.

Mr. Sjoberg asked to include in the agenda of the PC virtual meeting the outcomes of his WG (on fostering the establishing of national associations of judges).

The meeting ended at 12.50