



**GROUPE REGIONAL AFRICAIN
UNION INTERNATIONALE DES MAGISTRATS**

**SUMMARY REPORT
OF THE MEETING BY VIDEO LINK
29 MAY 2021**

The meeting was chaired by Mr. Djamel Aidouni, President of the African Group, with the participation of the President of the IAJ, Mr. Tony Pagone, the Secretary General of the IAJ, Mr. Giacomo Oberto, the Deputy Secretary General of the IAJ, Mr. Raffaele Gargiulo, and the following countries, representing their respective national associations, which are members of the International Association of Judges and the African Regional Group:

Algeria (Mr. Chabbani)
Angola (Mr. Adelino Muhongo e Ms. Denise Paiwa)
Ivory Coast (Ms. Marcelle Kouassi)
Liberia (Mr. Mullah Harris)
Mali (Mr. Ibrahim Djibrilla Maiga)
Mauritania (Mr. Oumar Saleck)
Morocco (Mr. Mohamed Redouane; Ms. Malika Chgoura)
Mozambique (Mr. Carlos Mondlane)
Niger (Mr. Ababacar Kachama)
Republic Democratic of Congo (Mr. Piepie Mukuna)
Senegal (Mr. Abdoulaye Diop)
South Africa (Mr. Daniel Thulare)
Togo (Mr. Lamine Baba Yara)
Tunisia (Mr. Anas Hemdi, Ms. Aicha BenBelhassem)

1. Opening and Welcome.

Mr Aidouni thanked the connected colleagues and Mr Pagone for their presence and the members of the Secretariat General of the IAJ for organising the online meeting.

He gave the floor to the President of the IAJ, Mr Pagone, who thanked the Secretariat for its efforts in preparing the meeting and the members of the African Group for having continued to carry out their duties and activities in their national associations and within the Group, despite the difficulties caused by the pandemic. He wished the Group well in its work and assured it of his constant support.

Mr Aidouni thanked the President for his encouragement and for all that he had done for the Group.

2. Approval of summary report of the Group's meeting held in Kazakhstan

Mr. Aidouni went on to examine the points on the agenda of the meeting. He asked whether delegates in attendance had remarks on this subject. No delegation presented an observation. He then asked if there were remarks on the minutes of the meeting of the Group in Nur Sultan (Kazakhstan), distributed beforehand by the Secretariat. No remark was sent to the Presidency, or the Secretariat.

The minutes of the last meeting of the African Group in Nur Sultan were approved unanimously.

3. President's report.

The President of the Group reminded the online meetings held on 22 January and 27 March 2021 in which delegates had discussed several issues concerning the associations.

He informed the assembly that the Presidency Committee had decided that the next annual meeting of the IAJ would be held on the Zoom platform on 11, 12 and 13 September 2021.

He reminded that the Group had discussed the problem of Angola, where a draft revision of the Constitution was being examined by Parliament. The Group dealt with the disciplinary sanction of the reprimand applied by the Disciplinary Council to Mr. Teliko, who had defended with a statement on the media a President of a Court who had held a fair trial and who had been transferred by the Ministry of Justice because of his decision affecting the interest of some political centre of interest.

He underlined that there were some difficulties concerning the independence of the judiciary in many countries in Africa. He reminded the recent cases of Chad, Niger and Mali. The members of the Group had to play an important role in ensuring that justice remained independent and free. He invited the members of the Group to make a lot of efforts to increase the number of countries adhering to the IAJ. taking into account that in Africa there were 54 countries. He contacted a colleague from Rwanda, who had shown interest in the IAJ. In Madagascar there was an association of judges and Mr. Mondlane contacted the colleagues in that country. The Group had also to help colleagues of other African countries to create judges' associations, where they were not present. He also reminded that during the next meeting of the Central Council the application of Gabon, which had applied for the membership of the IAJ, would be evaluated.

Returning to Senegal, he pointed out that the Disciplinary Council had applied the sanction of the reprimand to Mr Teliko, but the Group had supported him by adopting a resolution.

He also said that the pandemic had caused many problems in the field of justice. He invited all the colleagues to remain in solidarity so that the Group could adequately face all the present and future challenges concerning an autonomous and independent justice.

Mr. Gargiulo, Deputy Secretary General of the IAJ, informed the associations

that the Secretariat had sent to all associations a report of the online meetings of the African Group held on 22 January and 27 March 2021.

Ms Aicha Benbelhassem thanked the President of the Group, the President of the IAJ and the General Secretariat for their efforts in preparing the meeting. She stressed that her Association had supported the Group's resolution, which had had a favourable effect, but continued to have a reservation about the reprimand applied to the colleague Teliko, because she did not consider him guilty of any illegal activity. Mr Teliko had defended the independence of the judiciary, in accordance with his role as President of the Association of Judges. She pointed out that this position of the Tunisian Association had not been reported in the minutes of 27 March 2021.

Mr Aidouni reminded that Mr Teliko had thanked the Group for the resolution adopted which, in any case, had had a favourable effect on him. He agreed with the Tunisian Association that there had been no disciplinary offence by our Senegalese colleague, who had simply defended the independence of the judiciary.

Mr. Abdoul Diop, also on behalf of President Teliko, took the floor to thank the President of the Group, the Secretary General and all the members of the Group for the solidarity received. He also thanked the Tunisian colleague for her support. He stressed that the sanction imposed on Mr Teliko was unjustified. A reprimand was a conviction, but his Association believed that there was no fault. He was accused for making remarks in the press, commenting on a court decision, but the real reason was that he had defended a colleague who had been transferred simply for arresting and trying a cleric who was abusing the population. From that moment on, the relationship with the Ministry of Justice deteriorated and every day there had been attacks against Mr. Teliko by the Minister of Justice and through journalists. When the President of the Senegalese Association commented on a final decision of the court, saying that he agreed with an ECOWAS decision, the Minister found a pretext to accuse him. Against the disciplinary sanction, Mr. Teliko filed an appeal, which was based on the fact that the Senegalese Judges' Statute (art. 11) allowed for professional and technical matters to be discussed in the media. The Supreme Court's decision was awaited.

Mr Aidouni thanked Mr Diop for his clarification and reminded that Mr Teliko had done a lot of work for the Group, which was always at his side.

He also reminded the work done by the Tunisian association to defend its members and the independence of justice.

Mr Muhongo pointed out that in the summary report of 27 March 2021, the name of his colleague, who was Myriam Macedo, should be corrected.

The minutes of the meetings of 22 January and 27 March were approved unanimously with the corrections to the minutes of 27 March 2021, concerning the position of Tunisia concerning Mr. Teliko and the name of the colleague from Angola, replacing the term "Mrs. Seidon" with "Ms. Maceido".

Mr. Oberto took the floor to greet all the connected colleagues and gave information about the next Central Council meeting in September. He invited the colleagues to participate in the virtual meetings that would be held, as a test to try the

system that would be used. A number of decisions will be adopted, concerning the ratification of the decisions taken, following the emergency, by the Presidency Committee. He reminded that the assembly had to vote on the approval of the budget, on the amendments to the Statute, which were necessary to update it with the new developments caused by the pandemic, on the venue of the next meetings to be held and on the reports of the Study Commissions. There would also be the election of the members of the Presidency Committee.

Mr Aidouni informed the Group that Mrs Fatoumata Diakité, Honorary President of the IAJ, could not attend the meeting due to technical problems and that she wished the meeting every success.

The President of the Group invited the associations, that had some arrears in the payment of the contributions, to settle their debts.

4. African Group member association's reports.

ALGERIA

Mr Chabbani said he was delighted to be attending the meeting of the African Group. He apologised, on behalf of the President of his Association for the arrears in the payment of contributions, but he undertook to settle the arrears as soon as possible. Recently the political asset in Algeria had been changing. There had been the election of a new President of the Republic. The Association organised a protest movement demanding the improvement of socio-professional conditions and an imperative reform of the laws concerning justice. These demands led to encouraging results from the Government, which showed its willingness to improve the situation of the Judiciary in Algeria. The main point was the reform of the Constitution, according to which the High Council for the Judiciary was no longer presided by the Minister of Justice.

SOUTH AFRICA

Mr. Thulare thanked the colleagues connected, the President of IAJ, the Secretariat and the President of the Group. He explained that his association was trying to change the current configuration of the Judiciary. He invited colleagues to follow the "judges' matter" project, linked to the University of Cape Town, on Google, to visit the site and to seek the interviews with judges. The South African Association, Joasa, was very active in the training of judges. The system left by the « British » in the Commonwealth countries was based on the distinction between judges of the higher courts and of the lower courts, which were composed of « Magistrates ». The 1996 Constitution provided for a single judiciary. The Chief Justice of his country seemed to maintain the distinction and gave more importance to the judges of the higher Courts. Mr Thulare explained that the problem was common to Commonwealth countries. The Magistrates were considered part of the public Service and not of the Judiciary.

He also informed the Group that there was no vaccination programme for judges in his country.

He reminded the Group that he was worried because he had not yet received reports from the IAJ member associations on matters concerning the independence of the Judiciary.

He announced that his Association, Joasa, had decided to host the UIM meeting in 2024.

Mr Aidouni expressed confidence that the Association of South Africa would be able to achieve its goals.

ANGOLA.

Mr Muhongo said that the Association of Angola was concerned with the proposed constitutional reform, which was still under consideration by Parliament. The Association has produced many documents, which have been sent to Parliament. The Association was confident that some original ideas would be modified.

There was no special vaccination programme for judges, but people over forty could be vaccinated.

The association had the documents, but needed time to translate them for submission to the IAJ.

IVORY COAST

Ms. KOUSSI informed the assembly that there was nothing particular to report. After the reform, Ivory Coast had three autonomous judicial institutions: the Court of Cassation, the Court of Auditors and the Council of State.

There was a revision of the normative texts on the High Council for the Judiciary, on the training institute of judicial services, which included the School of Judges, and on the Code of Ethics. The Constitution gave to the judges who were under pressure the possibility to denounce them to the High Council for the Judiciary, which could take action. She reminded that the colleague Ndri had lost his wife because of the Covid 19 and thanked all colleagues who had shown their solidarity.

LIBERIA

Mr Harris informed the Group that the Association had made progress. There have been amendments to the Constitution. A woman, Eva Mappy Morgan, has become the Chief Judge of the Commercial Court of Liberia. Magistrates who retired did not get an increase of the retirement benefits.

He also pointed out that there was a security problem for judges in his country, who had been attacked for their decisions. There was also a problem of financial security and the Association was committed to preventing the reduction of judges' salaries. He would inform the Group of the results of the struggle of his Association.

Mr Aidouni declared that the security of the judiciary in Liberia was a common problem in Africa and that the Group had to fight for this. He also pointed out that, with regard to the retirement of Liberian judges, the Group had adopted a resolution, but it had not had any effects. The Group was always ready to support the Liberian

Association.

MALI

Mr Ibrahim Maiga, on behalf of the President of his association, thanked the President of the Group. He hoped that the Group would find the means to allow other associations to join.

He said that he agreed with his colleagues from Tunisia and Senegal regarding the Teliko case.

He said that the justice system in Mali was doing well, but there were other very serious problems. The pandemic had led to the temporary closure of the courts. Another important problem concerned political power, but for the moment it had no influence on the functioning of justice. The Association remained vigilant on the activity of the Transitional Authority. He thanked the President of the Group and colleagues from Ivory Coast for the support received during the current situation.

Mr Aidouni said that he was in solidarity with the Association of Mali.

MAURITANIE

Mr Salek, President of the Mauritania Association, said he was delighted to be with his African colleagues.

The situation of the judiciary in Mauritania was characterised by legislative deficiencies and limited means. The Association of Mauritania continued its efforts to defend the interests of the judges. The executive board of the Association met with the President of the Republic in February, presenting a detailed explanation of the necessary reforms of the Judiciary and the requests to solve urgent judicial problems, including material difficulties. The Association also had a meeting with the Minister of Justice and organised a Symposium on the Independence of the Judiciary in May at the National School of Administration, Journalism and Judiciary, with the presence of Judges and representatives of the Parliament.

The Judiciary received unjustified attacks at the end of March by two Members of Parliament. They used inappropriate words. The Association had prepared a complaint to the Public Prosecutor's Office. A former President of the Republic had been officially accused of committing a corruption offence and investigations were ongoing.

Mr Aidouni thanked the President of the Association for his presence and said that he hoped he would participate in other meetings.

MOROCCO

Mr Redouane thanked the President of the IAJ and the President of the Group for their efforts to organise the meeting. He reminded that his colleague, Mrs Malika Chgoura, member of the Executive Office of the Association, was also present. He transmitted the wishes of the magistrates of Morocco and pointed out the support of his association to the judges of Senegal, Niger and Mali, for the problems they had had.

He reminded that the Constitution of 2008, devoted a particular title to the principle of the Independence of the Judiciary and led to the creation of the High Council for the Judiciary, which dealt with the guarantees granted to the judges as regards their appointment, their promotion and their discipline. This body had administrative and financial autonomy. The independence of the Public Prosecutor's Office was a response to broad social demands and completed the process of separation of powers.

Justice in Morocco was going well, thanks to the reforms of the Judiciary elaborated by the Ministry of Justice and the High Council for the Judiciary. This body aimed at establishing the basis for an independent judiciary. The High Council for the Judiciary appointed 139 new judges. The activity of the Courts was reduced during the Covid restrictions. Morocco had taken several measures to avoid the adverse effects of the pandemic and to ensure the continuity of public service, such as videoconference hearings and the generalisation of online work. Now the courts were working normally, respecting the health measures. He hoped to see all colleagues in Morocco soon. He reminded that Morocco was available to organise the next meeting of the African Group.

Mr. Aidouni also thanked Morocco for its availability to organise the meeting of the African Group.

NIGER

Mr. Ababacar Cachama greeted the colleagues. He informed that the Association had paid the fees for the year 2018 and also for the year 2019. For the years 2020 and 2021, the Association had technical difficulties, also related to the change of the bank. He stressed that the Association had no solvency problems. The Association was waiting to receive the RIB code of the IAJ bank account before paying.

In Niger, in 2020/2021, there were general elections, which led to a new regime. The judges participated in the process as Presidents of the electoral commissions. He informed that the new Minister of Justice was a legal scholar, who was very respectful of the values and principles of the independence of the judiciary. The President of the Republic had made speeches that reassured the actors of justice on the independence of the judiciary and the citizens on the principle of equality. They had good hopes for Justice. He took the opportunity to express his solidarity with his colleagues in Senegal and Mali.

DEMOCRATIC REPUBLIC OF CONGO

Piepie Mukuna said that he was happy to be back with colleagues. The situation of the Association was improving compared to the past time. The Government was improving the living and working conditions of judges. The Minister of Justice was a judge and a sympathetic member of the Association. There were no great things to report. There was a significant evolution. In one part of the country where the state of siege had been decreed, the Prosecutor and the Court of Siege were closed and only the

military courts were working. The colleagues were on forced leave. The Association supported these colleagues and hoped that they would be able to return to work soon.

Mr. Mukuna, on behalf of his Association, expressed his solidarity with the colleagues from Mali and Senegal. He thanked the Secretariat for the efforts made to enable online meetings. He thanked Mr. Aidouni, who had always called all the colleagues in Africa during the pandemic to find out their conditions. He had been an excellent President of the Group and he hoped that he could remain President of the Group.

SENEGAL

Mr Diop expressed his thanks to colleagues who had shown solidarity with President Teliko and the Association.

With regard to Morocco, he pointed out that his Association was observing the improvements of the High Council for the Judiciary of Morocco, with the aim of improving the High Council for the Judiciary of Senegal. He thanked the colleagues from Mali. His Association was following the situation in this country after the military putsch and was in solidarity with the Malian Association. He also thanked the colleagues from Tunisia for their support.

The year 2020 was a year marked by the pandemic. For a period, the service of justice had been reduced to a minimum to avoid gatherings, but the courts had continued to work to ensure the minimum service and to deal with urgent matters. Because of the pandemic, Senegal had been unable to organise the African Group meeting. Considering that the Executive Office of the Association would finish its mandate at the end of the year, he announced that he could not commit to organising next year's meeting. The past year had been marked by the Teliko affair, but he stressed that after the denunciation of President Teliko, there had been no further arbitrary assignments. The Association normally continued to present reform proposals and to take care of the training of colleagues.

He reported that in March-April, there was a tense situation in the justice system, because a political leader was accused of rape by a young woman and was arrested. This arrest was very eventful and not easy, because the leader was accompanied by a huge and angry crowd, which committed acts of violence. Despite the pressure on the judges, they resisted and the situation became calm.

Mr Aidouni hoped that Mr Diop would be elected as President of the Senegal Association.

TOGO

Mr. Lamine Baba Yara invited colleagues to observe a minute's silence for all colleagues who died because of Covid. He said that in Togo, the Association had lost two colleagues. He informed the assembly that the Association continued to fight for the independence of the judiciary in Togo. They were trying to negotiate with the Government to obtain improvements in the area of justice. On the normative level,

there was a new code concerning the judicial organisation which enriched the first instance jurisdictions, with a Tribunal of First Instance and a Tribunal of High Instance. Following this reform, the code of criminal procedure and the statute of Judges had to be modified. Despite the pandemic, at the moment everything was functioning normally at the judicial level. He informed the Group that there had been a general assembly on 6 March, which had elected a new board, of which he was the Secretary General.

TUNISIE

Mr Hmedi Anas first thanked the President of the Group for the work done during a very difficult mandate, characterised by the pandemic. He thanked the General Secretariat for organising this meeting. He also thanked Mr. Pagone for his presence and for the work done during his mandate. He said that there was not much to add to the report of the meeting of 27 March 2021. This date coincided with the presentation of a meeting on Judicial Communication to which President Pagone contributed with a very relevant participation. After the revolution of 2011 and after the drafting of the Constitution of 2014, there were a number of areas of work opened. The Association continued to defend the interests of the judiciary and to collaborate with the other powers. The Association was working with civil society associations to establish the Constitutional Court, despite the contrasts in this regard among the Government, the President of the Republic and the Parliament. The Association was working, by presenting files to Parliament, on the drafting of organic laws concerning the statute of the judge, the reform of judicial and administrative justice and the General inspection. On 19 May, the Association participated in a parliamentary day for the reform of the penitentiary and penal system. The Association also collaborated with the High Council for the Judiciary. In view of the annual movement of judges, the Tunisian Association will defend their interests and the objective criteria for judges' promotions and transfers. On behalf of his Association, he expressed Tunisia's support to the colleagues from Niger, Mali, Chad and Senegal.

He also expressed his support for South Africa's proposal to host the IAJ annual meeting in 2024. He hoped that the pandemic situation would not prevent the meeting. He pointed out that in Tunisia the situation was serious, because the infection rate of Covid 19 was very high. Two colleagues died because of the pandemic and a number of colleagues had been seriously affected by the disease. There was no vaccination programme for judges. The association called on the Government to provide such a programme. There were many challenges in Tunisia, concerning the files on corruption. The former presidential candidate and President of the second largest party in Tunisia was imprisoned by the investigating judge of the anti-corruption pool. There was pressure to release him, also by the President of the Parliament. The Association intervened to defend the independence of the judiciary.

He presented the candidacy of Tunisia, giving priority to Senegal and in agreement with his Moroccan colleague. He assured that his association had paid its contributions. He stressed that the IAJ should deal with the right to life in all countries

in concrete situations such as the pandemic, where there had been an unfair distribution of vaccines.

Ms Aicha Benbelhassem added that there would be a consultation on 12 and 13 June on the statute of Judges in Tunisia, which the Association was currently drafting. The Association had invited all professional categories, parliamentarians, academics, to talk about its proposals concerning the independence of justice.

5. Appointment of 2 delegates for each member association to the Central Council meeting of September.

The President invited each country to nominate two delegates to attend the meeting of the Central Council in September.

Mr. Oberto informed the assembly that most of the African countries had already communicated the names and that the others (Guinea Bissau, Algeria Angola Benin, Mali, Congo and Sao Tome) would receive an e-mail from the Secretariat reminding them to indicate the names of the participants to the meeting.

6. Appointment of 1 representative of each association for each of the 4 Study commissions.

The President invited the Associations to send the representatives of each Association for each of the four Study Commissions.

Mr. Oberto said that the Secretariat would send a reminder to all Associations that had not yet communicated the names of the members of the Study Commissions, asking them to send the names of the delegates of each Study Commission

7. Statement/s and resolution/s by the African Group.

The President did not deal with this item because there were no resolutions to be approved at the time.

8. Finance.

The Secretary General of the IAJ illustrated to the Assembly the situation of the Group's budget: it could count on reserves and an annual assignment for a total amount of more than 19168.30 Euros (see Annex 2). He added that, for this year, the Presidency Committee had decided to assign to each Regional Group the regular allocation of 2500.00 Euros. There was a reduction in the allocation, due to the reduction in membership fees for the year 2020. The budget was approved unanimously.

9. Election Group's preferred candidate as IAJ Vice – President.

Mr Oberto reminded the assembly that during the last meeting of the Group before the meeting of the Central Council in years when there were elections, the Group nominated its candidate for the election as Vice President of the IAJ. Mr Oberto asked if there were any nominations.

All the delegates took the floor to support the candidature of Mr Aidouni¹.

10. Venue of the next meeting.

Mr Aidouni gave the floor to the delegates from Senegal, Tunisia and Morocco.

Mr Diop declared that his Association could not commit itself for the next year, because the mandate of the Executive Board ended at the end of 2021.

Ms BenBelhassen reiterated her Association's bid to organise the next meeting of the African Group, which was first brought forward in 2016.

Mr Redouane declared that he was in favour of accepting Tunisia's proposal and that Morocco was always available to organise the Group's meeting in the coming years.

Mr Aidouni thanked Morocco for its availability to maintain the unity of the Group.

Mr Hmedi thanked all colleagues and also the colleague from Morocco for the confidence in his country. He welcomed all colleagues.

Ms Chgoura said that she was happy to be with the African colleagues and expressed her solidarity with the colleagues from Mali and Senegal

11. Miscellaneous.

Ms Aicha BenBelhassem reminded the meeting of the reform of the Statute of the African Group and that the proposals for the reorganisation of the African Group should be re-launched.

Mr Aidouni invited the Secretariat to send the proposals to all colleagues.

Mr. Pagone thanked all delegates and congratulated Mr. Aidouni.

Mr Oberto thanked all colleagues for their participation.

Mr Aidouni thanked the colleagues of the African Group and the Secretariat.

The meeting was closed at 16.00.

The Deputy Secretary-General of the IAJ

Raffaele Gargiulo

The President of the IAJ African
Regional Group

Djamel Aidouni

¹ After the resignation for personal reasons, the African Group, during the online meeting of September 2, 2021, nominated as the preferred candidate of the Group as Vice - President, Mrs. Marcelle Kouassi (Ivory Coast)