



**AFRICAN REGIONAL GROUP
INTERNATIONAL ASSOCIATION OF
JUDGES**

**Summary Report
of the Meeting
by video link
22 January 2021**

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

Algeria	
Angola	
Morocco	
Niger	
Senegal	
Tunisia	

Mr. Oberto informed the assembly that the Presidency Committee considered that it was not possible to postpone the activities of the Central Council for more than one year because it was necessary to hold elections, to vote on proposals of amendment of the Statutes and on application of new members. He emphasised that the Presidency Committee would make every effort to organise an annual meeting in the presence of the members, but it was necessary to be realistic. The Presidency Committee had asked the Association of Costa Rica whether it was still willing to organise the meeting in autumn, but underlined also that it was very difficult to think that travel would be back to normality by that time. For this reason, the Presidency Committee was evaluating an alternative, represented by a meeting on the zoom platform. The General Secretariat was talking with computer technicians to check the feasibility. They were thinking of three hours of meetings per day, for three days, by videoconference in the autumn. The Presidency Committee would try to organise a meeting that should be simple and efficient. So, in the coming months, preparatory meetings will be organised by video conference to explain the carrying out of the annual meeting. The Presidency Committee would organise training sessions before the meeting of the Central Council, in the spring or summer, probably divided in regional groups, to explain in detail how the Central Council meeting would take place. Simultaneous translation in the three official languages, French, English and Spanish will be required.

Mr. Aidouni thanked the colleagues and said that Mr. Pagone apologised that he could not participate for previous commitments. He said that in Senegal, with reference to the case of Mr. Téliko, the IAJ had reacted and had sent a letter to the Senegalese authorities. He added that African judges had socio-professional problems and work difficulties, in connection with the limits of the budgets. He hoped that participation would increase over time and he would like to organise another meeting in a month and a half in order to strengthen the Group. He recalled that Mr. Raffaele Gargiulo had sent him a letter concerning a judge who had been imprisoned in Tunisia. He had already spoken with Mr. Hmedi, who had given him some explanation. He expressed the

solidarity of the Group with the President of the Tunisian Association, who had had many problems. He invited African colleagues to show solidarity with other associations on the continent that were having problems.

He gave the floor to Mr. Teliko, who thanked all colleagues in the Group for the support and solidarity shown to himself and his Association. He recalled the events. A colleague had been illegally assigned. The Association evaluated that this assignment was contrary to the principle of irremovability and, for the first time, had publicly denounced this situation (assignment). A Disciplinary proceeding was initiated against the President of the Association. The Senegalese Association considered this action aimed at muzzling the Association and invited the judge concerned to appeal to the Supreme Court on the grounds of abuse of power: that is what he did it. Mr. Teliko, moreover, together with his Association, decided to appeal against the decision that imposed the disciplinary sanction. He noted the importance of solidarity from other countries and called on all the African group associations to show solidarity. He said that his Association would support the meetings of the Group by videoconference and that over time participation would increase.

Mr. Aidouni underlined that all the members of the Presidency Committee were affected by this situation and were in solidarity with Senegal. Mr. Aidouni asked whether the letter from the African Group had had an impact on the Senegalese authorities.

Mr. Teliko replied that it had had an impact, demonstrated by the fact that the authorities had shown the need to respond. The letter was addressed to the Minister of Justice, the President of the Supreme Court and a press organisation and an animated discussion followed in the press. A battle of opinion was engaged.

Mr Aidouni thanked Mr Walter Barone, who had replaced Mr Rafael de Menezes as Active representative of the Ibero-American Group and he welcomed him.

Mr. Barone took the floor to thank the President and the entire African Group.

Mr. Aidouni gave the floor to Mr. Hmedi. He welcomed and thanked all colleagues and asked Mr. Teliko to comment on the decision on disciplinary action.

Mr. Teliko said that the Association hoped he could be acquitted, because the President of the Association had the right to decide on cases that had been finally decided long ago. He and the Association did not believe that there was any fault and had decided to appeal for misuse of power, because the future of the Association was at stake. They were awaiting the official notification of the Disciplinary Board's decision. He said that the aim of the Government was to dissuade members of the Association from committing themselves to leading the Association. He was confident because he had seen very determined and courageous colleagues who had addressed the Disciplinary Board.

Mr. Hmedi said that the decision of the Senegalese Disciplinary Council was an attack on the independence of judges. With regard to Tunisia, he stressed that the Covid-19 had also brought a lot of problems to the functioning of justice, in consideration of the minimal means of work. Some colleagues have died because of the Covid-19. Colleagues have asked the Minister of Justice and the CSM to guarantee minimal measures to protect judges, clerks, lawyers and the public. A series of strikes were called for five weeks between November and December to denounce the total malfunctioning of justice because of the Covid-19. The Association demanded the proper functioning of justice. The strikes ended when there was an agreement between the Association and the Government, which took over its responsibilities and provided a specific health protocol for the service of justice. Hopefully, now the courts have resumed their work regularly. The Association has contested some appointments of judges who did not have the required qualifications for the task. Commissions have been set up to draft the Single Statute of Judicial, Administrative and Financial judges The Association wanted to revise the legal framework for the work of judges. The Association was struggling for the financial independence of the courts. The

Association was also trying to create the conditions to establish the Constitutional Court. There was a delay of five years. There was a blockage at the level of the Parliament, which would have had to appoint four members of the Constitutional Court. The Association was trying to get the approval of the bill of law on the Administrative Court. There were committees in the Association with the aim of drafting a text concerning the statute of judges for advocacy before Parliament. Mr. Hmedi hoped that the health situation would improve.

Mr. Oberto explained that a human rights activist from Tunisia wrote to the IAJ denouncing that a judge, Mr. Meki, was a victim of torture while in prison. The IAJ replied that, as an Association of Associations, the question would be put to the attention of the Association of that country.

Regarding the judge, Mr Meki, who had been incarcerated in his country, he said that this judge had retired and that during his career he had had a lot of problems, because he was very aggressive. He has had a psychiatric illness since he was a child. After an inspection of his work, he resigned and the High Council for the Judiciary accepted his resignation, but afterwards he contested this resignation procedure before an administrative court. In spite of his resignation, he continued to attack people, authorities and a number of (former) colleagues. The judge decided to issue an arrest warrant against him. He has been in prison since May 2020, but because of the problems concerning the Covid-19, his case has not yet been dealt with by the court. He has just ended a hunger strike, which had started to ask the authorities to examine his case. Yesterday he appeared in court and was released, because a medical commission ruled that he was not responsible for his actions. His case was postponed to a later date. The Association will follow the situation of this judge.

Ms. Aicha Ben Belhassem said that the person who had sent the letter was the President of a Tunisian political party, active in the defense of human rights, but she was also known for her constant pressure on the judiciary. She knew that Mr Meki had no longer been a judge for more than two years. Ms. Ben Belhassem added that the judge of application of sentences visited Mr. Meki in prison and in his report sent to the High Council for the Judiciary stated that no torture had been made against Mr. Meki Bent Ammar and that this report had been publicly communicated before the letter of this activist. She added that the Association had presented a bill to strengthen the infrastructure of the courts. The Government was committed to presenting legislative initiatives that concerned Judges. The association had been preparing to present bills directly to Parliament in the event that the government did not fulfil this commitment.

Mr Adelino from Angola illustrated the great problems in his country, which were: the decline in the social and financial conditions of judges; the approval of the Statute of Judges without the participation of the AJA (Association of Judges of Angola); the failure to achieve administrative and financial independence.

Mr. Nana from Niger informed that the pandemic had not affected, in his country, the functioning of the jurisdiction, which had normally taken place in accordance with a health protocol. He stressed that the problem of the independence of the judiciary was in all countries. Mr Teliko's case showed that it was up to the judges to ensure the respect of the principle of the separation of powers. The intervention of the Group showed that the principle of the independence of the judiciary went beyond national borders. Niger experienced a situation of struggle against the Executive on the occasion of the approval of the latest revision of the Statute of the Judiciary concerning the conditions and modalities of organization of the direct competition for the judges' diploma. The Association, considering that this reform could reduce the competence of judges, has initiated actions before the Constitutional Court, the Council of State and the African Court of Justice. He also informed that judges in Niger did not have a career plan and objective criteria for appointments. He hoped that the new Government would be able to do something in this domain.

The colleague from Morocco, Mr Radouane, expressed his support for the Senegalese judges and he thought it was important to develop solidarity among African colleagues. He recalled that there were deaths among Moroccan judges because of the Covid-19, but justice is functioning regularly. He stressed that the Constitution of 2011 had ensured the independence of the judiciary vis-à-vis the Executive. Morocco declared to be was ready to organise a meeting of the African Group.

Mr. Aidouni thanked Morocco for its availability.

Mr. Aidouni also thanked Mr. Diop from Senegal for the work done and the support given to Mr. Teliko.

Mr. Diop took the floor and, on behalf of his Association, thanked the IAJ and the African Group for their support, which had been decisive in the struggle carried out by the Senegalese Association. The Association continued to fight because it did not accept that Mr. Teliko's denunciation had been considered as a fault. The Association drew the government's attention to the working conditions in the courts during the pandemic and obtained a circular for access to the courts and the slowing down of the trials

Mr. Aidouni informed that in Algeria there had been a vote on the Constitution. Now the Minister of Justice was no longer a member of the High Council for the Judiciary. The President of this body was the President of the Republic. Three judges of the Court of Cassation died because of the Covid-19.

He added that the situation of African justice was not pleasant. He was optimistic, but underlined the need to fight. In Africa there were also the problems of terrorism and wars. After the intervention of the treasurer of the Tunisian Association, Mr. Aidouni thanked his colleagues for their participation.

The meeting was closed at 8.00 p.m.

The Deputy Secretary-General of the IAJ
Regional Group
Raffaele Gargiulo

The President of the IAJ African
Djamel Aidouni

