



**GROUPE REGIONAL AFRICAIN
UNION INTERNATIONALE DES MAGISTRATS**

**Summary Report
of the Meeting by video link
27 March 2021**

The meeting was chaired by Mr. Aidouni Djamel, President of the African Group, with the participation of the President of the IAJ, Mr. 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:

Angola (Mrs. Seidon)
Algeria (Mr. Aidouni)
Morocco (Mr. Redouani)
Mozambique (Mr. Mondlane)
Niger (Mr. Aboubakar)
Senegal (Mr. Diop et Mr. Teliko)
South Africa (M. Thulare)
Tunisia (Mr. Hemdi, Mrs. Ben Belhassem)

1. 1. Report by the President

Mr Aidouni thanked the colleagues. On behalf of the Group, he expressed his condolences to Mr. Ndri Mathurin, Secretary General of the Association of the Ivory Coast, for the death, due to Covid19, of his wife, who was a judge of the Council of State.

He pointed out that the next meeting of the Central Council would be held on the zoom platform and that ongoing meeting was a test on the effectiveness of the simultaneous translation.

He said that in Senegal there was a situation of tension between the Powers of the State, because there was a lawsuit against a member of Parliament accused of raping a woman. The Association intervened and issued a press release with the aim of calming the tension. The President also stressed that the Tunisian Association was very active. It had made socio-professional claims and, at the same time, had organised a very interesting seminar, in which Mr Pagone had participated. Mr Aidouni supported the Tunisian Association for the great work done.

He also stressed the situation in Angola, where the President of the Republic had decided to change the Constitution, modifying the judicial system and affecting the independence of the judiciary. He invited his colleague Ms. Seidon to explain the situation and the Group to support the Angolan Association. The President of the Group informed that the Presidency Committee had sent a message to all the member associations, explaining that the next meeting of the IAJ would be held on the zoom platform on 11, 12 and 13 September 2021. The Presidency Committee decided to start tests in the meetings of the Group to check the functioning of the meeting by video link. M. Aidouni added that Each Association had to send the names of two delegates who would participate in the Central Council. These two people should participate in preliminary meetings.

Mr. Aidouni pointed out, with regard to the countries that were in arrears with the payment of the contributions, that Niger had informed that the Association had sent the sum due to the General Secretariat, but due to banking problems it had not been received. The President of the Group added

that he had spoken with the new President of the Association of Mauritania, who had promised to pay all the arrears concerning the contributions.

He announced that there would be a meeting of the African Group in May to appoint the President of the Group and to discuss other problems of the Associations in Africa.

Mr Aidouni added that in Africa the independence of the Judiciary had to be strengthened as a necessary condition to have a strong State from all points of view and a truly democratic system. The other powers of the State did not want a justice system that met the demands of the African people.

He gave the floor to the President of the IAJ, Mr Pagone, who thanked the Group.

Mr. Pagone emphasized that the Presidency Committee, during its zoom meeting, had dealt with many issues. In particular, he pointed out that the Presidency Committee considered that it was not possible, because of the Coronavirus outbreak, to organise a physical world meeting in Costa Rica or in other countries in 2021. The Presidency Committee decided to organise the next IAJ meeting on the Zoom platform, on 12 and 13 September, which would allow the participation of several countries. The IAJ had the support of the computer technicians and a simultaneous translation service, organised by the company «Alba». He added that the national associations had to collaborate and indicate two persons who would participate, firstly, in the preliminary technical training sessions and, then, in the work of the Central Council. Mr. Pagone reminded the meeting that the Study Commission were going on with their fundamental work for the IAJ. They would finish their work before September 2021 and present their reports during the Central Council. The President also pointed out that the Statutes would have to be amended, to adapt themselves to the new situation determined by the pandemic.

Mr Aidouni thanked the President for his presence and gave the floor to Mr Oberto.

2. Report by the Secretary-General

The Secretary General of the IAJ informed the assembly that he had sent a message of thanks to the Association of Costa Rica for all the efforts made to organise the meeting, which could not take place as planned. He added that all the member associations had first to communicate to the General Secretariat the names of two persons who will participate in the meeting of the Central Council in September. He said that the IAJ would provide the training on technical issues in order to make the meeting a success, because during the September meeting there would be votes on many issues such as the amendments to the Statutes, which had become necessary because of the pandemic, the budget, the admission of the new associations of Gabon and of the Philippines, the elections of the members of the Presidency Committee and of the General Secretariat and the election of the new President. He informed the colleagues that the IAJ would indicate two days in which the designated delegates could attend, ask questions and know the development of the meeting in September from a technical point of view.

3. Election of two Representatives of the African Group in the Monitoring Commission (Art. 13, Para. 7, of the IAJ Regulations)

The President of the Group informed the assembly of the need to appoint two delegates, one French-speaking and one English-speaking, to participate in the Monitoring Commission chaired by the Vice-President, Mr Sjoberg. Mr. Oberto briefly explained the function of the Commission, which was to ascertain, on the basis of the associations' reports, whether they were continuing to pursue the aims of the IAJ.

At the request of the President, Mr Daniel Thulare and Ms Aicha Benbelhassem volunteered. The African Group approved the appointments. The President of the Group congratulated Mr.

Thulare and Mrs. Benbelhassem and thanked them for accepting this task.

4. Reports by the Delegates on the situation of the judiciary in their respective countries

SOUTH AFRICA

Mr Thulare thanked the colleagues of the Group. He expressed his appreciation for the President of the IAJ and the President of the Group, who were guiding, respectively, the International Association and the African Group in a very difficult moment, because of the pandemic and of the challenges of the Judiciary in the world and in particular in Africa.

He pointed out that the majority of African countries that have signed the African Court of Human Rights Convention did not comply with the orders of the Court. He added that the South African association South Africa remains strong in defending the principle of the rule of law and the independence of the judiciary.

ANGOLA

Ms Seidon said that she attended the IAJ meeting for the first time. She informed the assembly that the Association had experienced many difficulties due to the pandemic and to the bill of reform of the Constitution wanted by the President of the Republic. The reform, among other things, affected the balance between the powers of the Constitutional Court and the Supreme Court and reduced the sovereignty of first and second degree judges in favour of the Superior Council of the Judiciary. She asked for the assistance of the IAJ. Ms. Seidon added that the Association had sent a report to the National Assembly, which would have to approve this part of the reform in the first half of April.

Mr. Pagone invited the Association to send the draft law and the considerations of the Association as soon as possible in order to prepare a resolution.

Mr Aidouni informed that he was in contact with Mr Adelino, President of the Association, who promised to send the required documentation. He added that the African Group was in solidarity with the Association of Angola and was ready to react as soon as possible.

MOROCCO

Mr. Redouane thanked the President of the Group. He conveyed the greetings of the Moroccan magistrates. He informed that in Morocco there had been the appointment of a new President of the Supreme Court, who was at the same time the President Delegate of the Judicial Council for the Judiciary. The reform of the Moroccan judicial system aimed at establishing the basis for an independent justice. On behalf of the Moroccan Association, Mr. Redouane expressed his support to the Senegalese judges. He added that his Association was ready to host the next meeting of the African Group once the health circumstances were favourable.

NIGER

Mr Aboubakar thanked the President and the Secretary General of the IAJ. He expressed his encouragement to his colleague Soulemayne Teliko. Regarding the arrears in the payment of the contributions, he informed the assembly that his Association was not having liquidity problems. There was only a technical problem, because the General Treasurer of the Association tried to transfer the amounts due but the transfer was rejected by the Italian bank. He invited the General Secretariat to find the most appropriate mechanism so that Niger could pay the contributions and solve the problem.

Regarding the life of the Association, he informed the colleagues that 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, which, however, declared that the question as to the constitutionality of the law was unfounded. He recalled that in 2021 there were presidential elections. There were appeals and discussions about the eligibility of presidential candidates. The Association issued a press release, reminding judges to respect the principles of impartiality and independence.

He added that he hoped to see all the colleagues at a future physical meeting.

Mr Oberto explained that the IAJ bank in Italy confirmed to have not received the last payment sent by the Association of Niger and invited the Association to send a written document, produced by its bank, to be shown to the Italian bank. Another possibility was to pay through another bank in Niger or through Western Union.

MOZAMBIQUE

Mr Mondlane expressed his compliments to the President and the Secretariat of the IAJ and to all the colleagues.

He informed the Group that in the north of his country there was a terrorist group, called Al Shabab, which had attacked towns in that region and in particular military and civilian installations. This group wanted to install a Caliphate. Many people have moved to the south of the country. The state could not send judges to the northern regions, but a state of emergency had not been declared.

In Maputo the assembly of the Association approved the plan of activities for the next year and the budget. The Association approved memoranda with schools of judges in Brazil to organise training activities in the field of ethics and human rights. The Association had organised seminars on the criminal code and criminal procedure.

Mr Aidouni said that the Al Shabbab Group was very dangerous. The Algerian Association, which had experienced terrorism, was in solidarity with the Mozambique Association. He invited Mr Mondlane to contact the members of the Madagascar Association.

TUNISIA

Ms Benbensallem thanked the President of the IAJ for his presentation during the national conference organised on Judicial Communication. She recalled that the Tunisian Association had prepared a report on the Constitutional Court, which was foreseen by the Constitution approved in 2014, but which had never materialised. The Association worked with civil society partners and national and international organisations. They managed to make a plea with parliamentarians, with the aim of obtaining the installation of the Constitutional Court as a matter of urgency, because in Tunisia there were situations concerning the relations between the powers of the state that required the intervention of this body, to avoid constitutional blockages. A solution could be found in the promulgation of the law approved in 2015, even if it was not a final solution.

Mr Benbelhassem added that the association continued to work on the fundamental laws of the judiciary concerning the status of judges, the fundamental law of the organisation of justice, the fundamental law of the general inspection of the judiciary and the code of the administrative court.

SENEGAL

Mr Teliko thanked the President of the IAJ, the Secretary General and all the associations for the solidarity shown with the colleagues from Angola. He stressed that it was important that the IAJ reacted quickly. The African governments were sensitive to this reaction.

He remembered that the Disciplinary Council applied him the disciplinary sanction of the reprimand, with the aim to muzzle the Association of Judges. He stressed that the President of the Association had the right to express his advice on final decisions. He added that it was important for the associations to meet periodically to discuss proposed legislation on the reform of the judiciary. On behalf of his Association, he thanked Mr Aidouni for his constant presence alongside the African

judges.

Mr Aidouni thanked Mr Soulemayne. He invited all the judges to resist the threats to the independence of the judiciary.

He thanked the Secretariat for the work done.

The meeting was closed at 8.00 p.m.

The Deputy Secretary-General of the IAJ
Raffaele Gargiulo

The President of the IAJ African Regional
Djamel Aidouni