



OUR RESILIENCE AT THE TIME OF THE PANDEMIC



Dear Colleagues,

When I wrote the address that opened issue No. 1/2020 ("Highlights of IAJ in 2020") nobody could ever imagine what 2020 would look like and the extremely exceptional circumstances we would have to face since February 2020 in the whole world not only as judges, but, first of all, as human beings.

Despite the incredible challenges that in Italy and in the five continents we had to cope with, IAJ stayed well alive and kicking, pursuing with determination its fight for judicial independence in times made even more difficult by Covid-19 and by the attempts of many Governments to make use of the situation to limit basic constitutional freedoms and the independence of judges.

As you know, none of the events organised by the IAJ which had been foreseen for 2020 have taken place, nor will any such meetings take place in the second half of this year.

Let me point out what those meetings should have been:

- 63rd annual world meeting in San José (Costa Rica), in September,
- Springtime meeting of the Presidency Committee in Verona, in June,
- IBA meeting in Asunción (Paraguay), in April,
- African RG meeting in Dakar (Senegal), in April,
- EAJ meeting in Porto (Portugal), in May,
- ANAO meeting in Arlington (USA), in May.

We have already informed our Associations that the 63rd IAJ annual meeting should take place in the same place (Costa Rica) in 2021 (possibly at the end of September), whereas the meeting in Tel Aviv (the 64th IAJ annual meeting) should take place in 2022; we received also the offer of Taiwan to organise in that Country the 65th IAJ annual meeting in 2023. The EAJ Porto meeting should take place in February 2021, while the EAJ meeting in Greece should be organised in the second half of that year. Talks are under way also in order to re-schedule the other regional meetings, but of course

much depends on the course and evolution of the pandemic, as well as on the hope that a vaccine will be found, which would allow people to travel without legal restrictions and health worries. As usual I invite you to visit our web site (<https://www.iaj-uim.org>), where we will post any relevant news affecting our activities.

In this short newsletter we try to provide you with information on the initiatives which the different bodies of the IAJ undertook in the first half of the year, despite the lockdown.

Activities of the Secretariat-General, of the Presidency Committee, of the Regional Groups and of the Study Commissions will be dealt with under separate sections of this newsletter.

As far as the IAJ Working Groups are concerned, let me remind you that last year the Central Council had decided to set up following three Working Groups:

a) The first one deals with the new monitoring procedure. It will be presided over by IAJ Vice-President Mikael Sjöberg; Regional Groups will have to elect in 2021 two members for any Group during their spring meetings.

b) The second WG will deal with possible statutory reforms of the rules of voting. It will be presided over by IAJ President Tony Pagone and will include me as one of its members. Additionally, each of the Regional Groups Presidents will have to designate in 2021 two members, representing the same Groups. The works will be started by the Presidency Committee during its spring meeting in 2021.

c) The third WG studies the problem of offering and organising assistance to individual judges who find themselves in difficult positions because of their role as judges. The IAJ PC designated as President of such Group Sir Nicholas Blake (UK) and the composition has already been approved by the same PC. It has already started its work.

Of course more information on this activity is available both in this newsletter and in the official documents of our Organisation: minutes of the meetings, acts of conferences, resolutions, declarations, recommendations, etc., all available in our web site (<https://www.iaj-uim.org>).

President Tony Pagone joins me in expressing our best wishes for this final part of this very troubled year 2020.

Our most important desire is to be able to meet again in person as soon as possible. Kind regards to you all and take care!

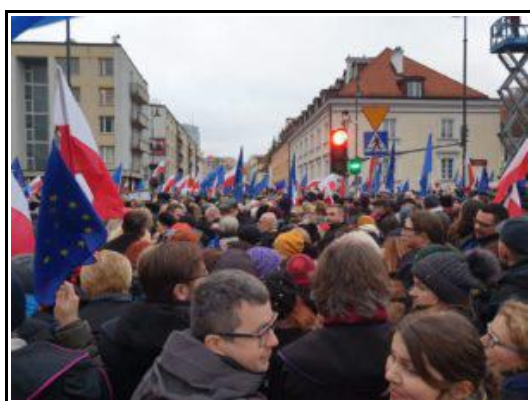


Giacomo Oberto
Secretary-General of the IAJ

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RECENT ACTIVITIES AND INITIATIVES OF THE EAJ-EUROPEAN R.G. OF THE IAJ



1. March of the 1000 Robes in Warsaw – January 11th, 2020

On Saturday, January 11th, 2020 a silent march of all European judges took place in Warsaw, to show protest against the Polish Government policy in the field of Justice and Judicial Independence.

Documents and information on the event available here:

<https://www.iaj-uim.org/news/preparing-the-march-of-the-1000-robres-in-warsaw-january-11th-2020/>

Images of the event are available here:

<https://www.iaj-uim.org/news/march-of-the-1000-robres-in-warsaw-january-11th-2020/>

EAJ President's Speech at the March of 1000 Robes in Warsaw is available here:

<https://www.iaj-uim.org/news/eaj-presidents-speech-at-the-march-of-1000-robres-in-warsaw/>



2. IAJ and EAJ Relations to EU Authorities

Among the numerous activities of EAJ's President and Presidency Committee during the lockdown period, we may mention following ones:

a) Letter to the President of the European Commission, on Friday, February 21st 2020:

The Presidents of the three European judicial networks (Network of Presidents of Supreme Courts, European Association of Judges and European network of Councils for the Judiciary) addressed a letter the President of the European Commission, Ms Ursula Von der Leyen. Please find it hereinafter:

<https://www.iaj-uim.org/iuw/wp-content/uploads/2020/02/Letter-Judicial-Networks-to-President-Von-der-Leyen-21-Feb-2020-.pdf>

In June, 2020, President of European Commission, Ms Ursula von der Leyen, replied in a very positive way. Her reply letter is available here:

<https://www.iaj-uim.org/iuw/wp-content/uploads/2020/06/Ares20201144666-Mr-Wiwinus.pdf>

b) On the 6th of June, 2020, the IAJ President Tony Pagone, in the context of the meeting of the IAJ Presidency Committee, issued an official statement concerning the proceedings against the Polish judge Tuleya. The statement of the President of the International Association of Judges, Tony Pagone (Australia), was unanimously supported by IAJ's Presidency Committee composed by President Pagone, First Vice President José Igreja Matos (Portugal), as well as by Vice Presidents Djamel Aidouni (Algeria), Rafael De Menezes (Brazil), Allyson Duncan (U.S.A.), Duro Sessa (Croatia), Mikael Sjöberg (Denmark) and Honorary President Christophe Régnard (France), as well as Secretary-General Giacomo Oberto (Italy). The text of the statement is available here, in 11 different languages:

<https://www.iaj-uim.org/news/iaj-official-statement-on-the-proceedings-against-polish-judge-tuleya/>

The International Association of Judges publicly expressed its gratitude to the informal network of judges that in just a few hours confirmed the total solidarity of judiciaries worldwide to the resilient pledge for independent and impartial courts manifested again by our Polish Colleagues. This symbolic demonstration in defence of Rule of Law was demonstrated by the almost immediate translation into ten different languages of the letter signed by IAJ's President, G.T. Pagone, regarding the official statement on the proceedings against the Polish judge Tuleya, endorsed unanimously by all the members of our Presidency Committee.

The initiative may have contributed to a successful outcome.

On June 9th, 2020 the Disciplinary Chamber of the Polish Supreme Court rejected request against Judge Igor Tuleya Tuesday. The IAJ Presidency Committee expressed its greatest satisfaction with this decision, underlying the world wide solidarity to judge Tuleya registered in these days, also as a result of an appeal launched by our Organisation.

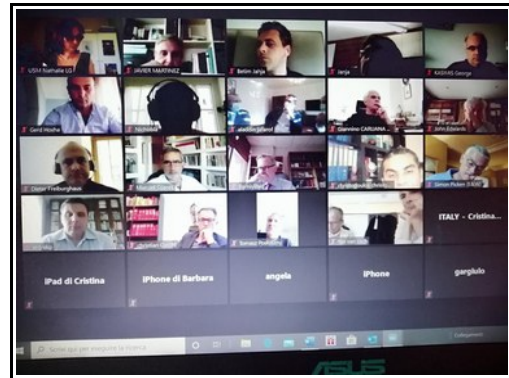
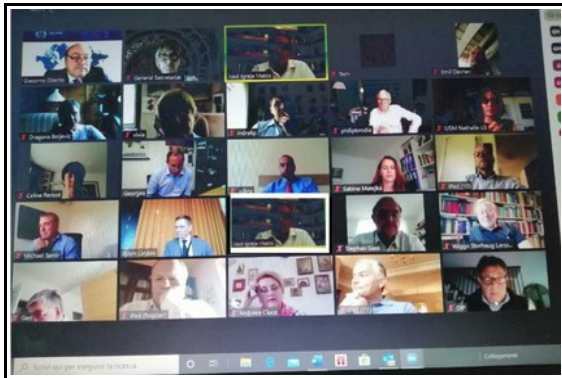
See: <https://www.iaj-uim.org/news/disciplinary-chamber-of-the-polish-supreme-court-rejects-request-against-judge-igor-tuleya/>

c) On 14th May, 2020, Mr David Sassoli, President of the European Parliament, sent a letter to the attention of the President of the European Association of Judges, Mr Igreja Matos, in response to the EAJ statement on the situation of judiciary in Poland. The text of the letter is available here:

https://www.iaj-uim.org/iuw/wp-content/uploads/2020/05/Mr-Sassoli-Letter_14.05.2020.pdf

3. Informal EAJ meeting by video link:

On 29th May, 2020 an informal meeting of the EAJ took place by video link. Information available here:
<https://www.iaj-uim.org/news/eaj-meeting-by-video-link>



4. Other Activities of the EAJ:

a) EAJ-Stakeholder Contribution to the EU-Commission Rule of Law Report 2020

In a letter of the European Commission in Brussels to Mr Jose Igreja Matos, President of the European Association of Judges, Mr Didier Reynders (EU Commissioner for Justice), invited the EAJ to participate in the Annual Rule of Law Report of the EU-Commission. Hereinafter the Final Report to which all of our EAJ WG-members have contributed:

<https://www.iaj-uim.org/news/eaj-stakeholder-contribution-to-the-eu-commission-rule-of-law-report-2020/>

b) Participation of EAJ's President in the ENCJ Conference

On 11th June, 2020, the EAJ President Mr José Igreja Matos participated in the conference of the European Network of Councils of Judiciary (ENCJ) as invitee. More about this event here:

<https://www.iaj-uim.org/news/encj-web-conference-11-june-2020/>

c) "Safeguarding the Rule of Law": Interview with EAJ President José Igreja Matos

On 10th June, 2020, EAJ President Mr José Igreja Matos gave an interview to Prague CEELI Institute on the role of the judiciary and the rule of law in relation to the emergency legislation applied in response to the Covid-19 pandemic. The text of the interview is available here:

<https://ceeliinstitute.org/podcasts/safeguardingtheruleoflaw/>

d) CEPEJ "Ad hoc Virtual Plenary Meeting" on the Subject: "Impact and Lessons of the COVID-19 Crisis"

On 10th June, 2020 an "Ad hoc virtual CEPEJ plenary meeting" of the *Commission Européenne pour l'Efficacité de la Justice* – European Commission for the Efficiency of Justice (CEPEJ) of the Council of Europe took place in the form of video conference. Subject of the event was: "Impact and Lessons of the COVID-19 Crisis as regards the Efficiency of Justice and the Functioning of the Judiciary". IAJ Secretary-General Giacomo Oberto participated in the event as CEPEJ-SATURN WG President, but also on behalf of the EAJ, which is one of the official observers in CEPEJ's public events. More on the meeting available here:

<https://www.iaj-uim.org/news/cepej-ad-hoc-virtual-plenary-meeting-on-the-subject-impact-and-lessons-of-the-covid-19-crisis/>

e) Two New Tools of the CEPEJ Adopts for the Proper Functioning of the Courts

On 8th July, 2020, the *Commission Européenne pour l'Efficacité de la Justice* – European Commission for the Efficiency of Justice (CEPEJ) of the Council of Europe adopted, by written procedure,

– The bi-annual report on the evaluation of European judicial systems which will be published next October, after it has been presented to the Committee of Ministers of the Council of Europe.

– A report on case-weighting, prepared by the Working group on judicial time management (CEPEJ-SATURN)

On this special occasion IAJ Secretary-General Giacomo Oberto, President of the CEPEJ-SATURN, explained how the assessment of the workload related to processing of cases can be managed more efficiently thanks to this report in a short video; [just click here](#).

f) “EULawInEN”

On 24th and 25th June, 2020, the final event of the project “EULawInEN” took place by video link and was concluded by interventions of the organisers, among which IAJ Secretary-General Giacomo Oberto, who delivered a speech on the relations between judges and notaries. This initiative, co-funded by the European Commission’s DG Justice and Consumers, Justice Programme, started in 2019 its activities, which continued and terminated in 2020. The International Association of Judges (IAJ), which was partner together with the Italian *Fondazione Italiana del Notariato* (Coordinator), the *Cassa Nazionale del Notariato* and the Notary Chambers of Bulgaria and Hungary, following a selection procedure, has guaranteed the participation of 2 judges in each of the 3 participating countries: Bulgaria, Hungary and Italy, to training courses (on Succession and Family law in practice”) held in the concerned Countries and by video link. Special thanks for the essential contributions provided to the organisation go to IAJ Deputy Secretary-General Mr Raffaele Gargiulo and IAJ Assistant to the SG Ms Daniela de Vincentiis.

For more information on the project, please visit the website: <http://www.eulawinen.eu>.

RECENT ACTIVITIES AND INITIATIVES OF THE AFRICAN, IB.A. and A.N.A.O. R.Gs. OF THE IAJ

As far as the other three Regional Groups of the IAJ are concerned, we may mention following activities:

Welcome Speech to Newly Appointed Magistrates in South Africa, by JOASA President Mr Daniel Thulare:

<https://www.iaj-uim.org/news/welcome-speech-of-dm-thulare-south-afri/>

IBA Statement about Judicial Independence in Guatemala:

<https://www.iaj-uim.org/news/iba-statement-about-judicial-independence-in-guatemala/>

IBA Resolution on the Death of Paraguayan Judge Diana Mereles Duarte:

<https://www.iaj-uim.org/news/resolution-on-the-death-of-paraguays-judge-diana-mereles-duarte/>

IBA Statement to Support Judicial Independence in Argentina, *vis à vis* a Reform concerning Retirement of Judges:

<https://www.iaj-uim.org/es/news/iba-statement-on-argentina/>

IBA Statement to Support Judicial Independence in Dominican Republic:

<https://www.iaj-uim.org/es/news/statement-on-support-of-judicial-independence-at-republica-dominicana/>

IBA Statement to Support Judicial Independence in Ecuador:

<https://www.iaj-uim.org/news/iba-statement-on-judicial-independence-in-ecuador/>

The A.N.A.O. R.G. held a virtual meeting by video link on May 17th, 2020, on the agenda we publish here:

ANAO VIRTUAL MEETING AGENDA
May 17, 2020. 8:00 PM (Eastern/Canada)

- I. Attendance and Apologies
- II. Approval of Minutes from ANAO Meeting in Nur Sultan (Clayton Conlan)
- III. President’s Report
 - A. Presidency Committee Report
—Upcoming Meetings
 - B. Working Groups/status and membership
- IV. Applications for membership
 - A. Philippines (Tsogt Tsend)
 - B. Yemen (David Carter)
- V. Consideration of Study Topic (Robert Blair)
- VI. Discussion of 2021 mid-year ANAO meeting
- VII. Country Reports
- VIII. Other



As for the ordinary activity of the A.N.A.O. Group, it continues its outreach efforts on behalf of the organization and the region. Most recently, further contact has been made with India and Haiti. They are awaiting responses. They are also looking forward to the consideration of the application for membership of the Philippines at the next Central Council meeting. A Committee has been formed to plan for an in-person mid-year meeting in the Washington DC area next spring in conjunction with the Federal Judicial College. A.N.A.O. President Judge Allyson Duncan has personally participated in international judicial education initiatives, such as UNODC webinars on both its judicial integrity initiative and its program on financial disclosure efforts for judges. Finally, she obtained a stipend to fund the research efforts of a law student to produce a history and analysis of the current Polish judicial situation for publication in the American periodical *Judicature*, the première magazine for Judges. EAJ President Igreja Matos and A.N.A.O. President Allyson Duncan have both reviewed the first draft. Judge Carlos Salgado is also kindly considering writing an article for the magazine on the recent incidence of physical violence against judges in the region.

MEETING BY VIDEO LINK OF THE PRESIDENCY COMMITTEE IN JUNE; LETTERS AND COMMUNIQUEES BY THE PRESIDENT AND THE SECRETARY-GENERAL TO ALL MEMBER ASSOCIATIONS



a) Meeting of the Presidency Committee by video link, on 5th June, 2020

On June 5th, 2020, a meeting of the IAJ Presidency Committee took place by video link.

1. After receiving confirmation of the Costa Rican Association's willingness to organize the Central Council meeting in 2021 (dates not yet specified, but most probably at the end of the month of September), the Presidency Committee decided to recommend having the meeting in Costa Rica in 2021, the meeting in Israel in 2022 and the meeting in Taiwan in 2023.
2. The Presidency Committee approved a proposal for amendments to the IAJ Constitution that will be submitted to the Central Council in 2021 in order to ratify the prolongation of one year of the IAJ Presidency Committee and Secretariat-General due to the exceptional circumstances related to the Covid-19 pandemic. The proposed amendments will also take into account the occurring of events that represent a case of "force majeure" or that make otherwise impossible holding a regular meeting of the Central Council. Such amendments must undergo the usual procedure for amending the Constitution and, therefore, the proposal will be distributed to IAJ Member Associations for the vote by the Central Council in 2021.
3. As for the financial issues, the Presidency Committee took note that the 3 associations of Benin, Iraq, and Mexico had arrears in the payment of their annual fees for over three years (arrears of 2017-2020). Therefore, according to the terms of article 5, paragraph 2, of the Constitution, they ceased to belong to the IAJ. The Presidency Committee will report this to the Central Council at its next meeting for any determination that it might want to make to the contrary.
4. The Presidency Committee dealt also with some requests for exemption from payment of annual contributions. Moving from some recent cases of request for exemption from payment of the annual fee, the Presidency Committee debated about three principal questions: (i) whether the association organizing a world event is entitled not to pay the annual fee; (ii) whether the association organizing a Regional Group is entitled not to pay the annual fee; (iii) whether the association organizing a seminar is also eligible for quota exemption. After a

- debate, the Presidency Committee decided that it will allow a dispensation from annual fees only to associations organizing Central Council meetings, upon their request.
5. Coming to the applications for membership. The Presidency Committee examined the report on the application of Philippines prepared by the rapporteurs, Mr. Tsend and Ms. Matejka, and decided to recommend the Central Council the admission of the association of Philippines. The documentation has been distributed to IAJ Member Associations on June 12th, 2020, for the vote by the Central Council in 2021.
 6. As for the application from Gabon, the Presidency Committee, after consultation with the rapporteurs, on July 10th, 2020, decided by a vote by e-mail to recommend the Central Council the admission of the association of Gabon. The documentation will be very soon distributed to IAJ Member Associations, for the vote by the Central Council in 2021.

b) Letters and communiqués by the President and the Secretary-General to all Member Associations

- President's letter on 6th April, 2020: <https://www.iaj-uim.org/news/letter-to-all-the-iaj-members-from-president-pagone/>
- President's letter on 17th April, 2020: <https://www.iaj-uim.org/news/letter-of-the-president-of-the-iaj-to-all-the-members/>
- President's and S-G's letter on 13th May, 2020: <https://www.iaj-uim.org/news/letter-to-all-the-iaj-member-associations/>
- Secretary-General's communiqué on 20th April, 2020: <https://www.iaj-uim.org/news/communique-iaj-general-secretariat/>
- Secretary-General's communiqué on 25th June, 2020: <https://www.iaj-uim.org/news/iaj-secretariat-general-communique/>

RECENT ACTIVITIES AND INITIATIVES OF THE IAJ RELATED TO THE CONSEQUENCES OF THE COVID-19 PANDEMIC



The Covid-19 pandemic prompted IAJ to set up several initiatives related to the impact of the pandemic on judicial activities and judicial independence.

On 24th April, 2020, the Secretariat-General issued a general questionnaire upon the Effects of COVID-19, spread among all IAJ member associations and published in our web site.

In May 2020 a special page with the replies to the questionnaire was created and published in our web site:
<https://www.iaj-uim.org/iaj-questionnaire-upon-the-effects-of-covid-19-pandemic/>

A list of links to essays related to this issue was also published in our web site:

- “Being a judge in times of pandemic”, an article by EAJ President J. Igreja Matos: <https://www.iaj-uim.org/news/being-a-judge-in-times-of-pandemic-an-article-by-eaj-president-j-igreja-matos/>
- CEPEJ “Ad hoc Virtual Plenary Meeting” on the subject: “Impact and Lessons of the COVID-19 Crisis”:

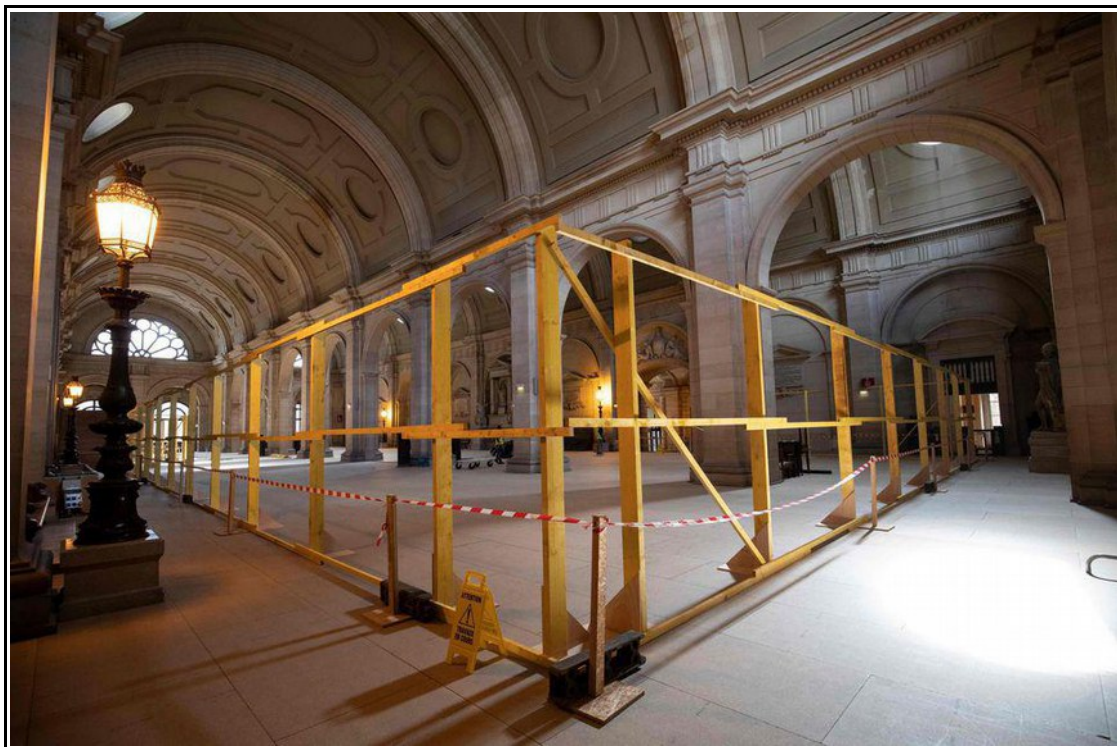
- <https://www.iaj-uim.org/news/cepej-ad-hoc-virtual-plenary-meeting-on-the-subject-impact-and-lessons-of-the-covid-19-crisis/>
- Exit Strategies and Court Management post COVID-19: <https://www.iaj-uim.org/news/exit-strategies-and-court-management-post-covid-19/>
 - Letter from the EEAS as regards Turkish actions in light of the Covid-19 pandemic: <https://www.iaj-uim.org/news/letter-from-the-eeas-turkish-actions-in-light-of-the-covid-19-pandemic-against-overcrowded-prisons/>
 - ONLINE EVENT: Courts in the aftermath of the COVID-19 pandemic: <https://www.iaj-uim.org/news/online-event-courts-in-the-aftermath-of-the-covid-19-pandemic/>
 - Statement of President of the EAJ on current Covid 19 crisis: <https://www.iaj-uim.org/news/statement-of-president-of-the-eaj-group-on-present-covid-19-crisis/>
 - Report on world's judicial activity during the coronavirus pandemic: <https://www.iaj-uim.org/news/report-on-worlds-judicial-activity-during-the-coronavirus-pandemic>

On 3rd July, 2020, the IAJ President Mr Tony Pagone and Secretary-General Mr Giacomo Oberto organised a meeting by video link with the four Presidents of the Study Commission. More precisely, following Presidents participated in the event:

Mr. Walter Barone, President of the 1st Study Commission
Mr. Thomas Cyr, President of the 2nd Study Commission
Mr. Dieter Freiburghaus, Co-President of the 3rd Study Commission
Ms. Lene Sigvardt, Co-President of the 3rd Study Commission
Ms. Julie Dutil, President of the 4th Study Commission

At the end of the meeting President Pagone summarized the decisions taken during the meeting, as follows:

1. There will be a general statement sent by Secretary-General and the President, requesting those who did not respond to respond.
 2. The Presidents of the four Study Commissions agreed to defer the topics decided in Nur Sultan and to look at the covid situation in 2021.
 3. The Presidents of the four Study Commissions should consider whether they want to have a specific questionnaire for each of their areas.
 4. It is better to get information on a real-time basis, therefore the deadline for the responses could be fixed by the end of this year and the Associations will be allowed to continue to provide information by April 2021.
- The Presidents of the four Study Commissions agreed.*



[The famous “Salle des pas perdu” in the Palace of Justice of Paris, at the time of Covid-19]