



International Association of Judges

promoting an independent judiciary worldwide

Your Excellency the President of the Supreme Court of Kazakhstan,
Your Excellency the President of the Constitutional Council of Kazakhstan,
Your Excellency the President of the Union of the Judges of Kazakhstan,
Dear President of the International Association of Judges,
Dear colleagues,
Ladies and gentlemen,

It is a high honour for me to take the floor in the occasion of this event, which is the most important of the year in the life of our Organisation, in my capacity as the Secretary-General of the IAJ.

It is the first time that Kazakhstan organises one of the annual meetings of the IAJ and we are all grateful to our hosts for the huge effort done and the perfect organisation of the event. Let me just point out that Kazakhstan became our 60th member association in Valle de Bravo, in 2004, as extraordinary member. It became ordinary member in 2011 in Istanbul. During its 15 years of membership, Kazakhstan has always provided remarkable contributions in IAJ's initiatives, fully participating in the works of the Central Council, of the ANAO Regional Group and of the Study Commissions.

After the words of our President Tony Pagone, my task is that of giving a very short view on the role of our Organisation in the field of the protection of judicial independence throughout the world.

As I have already pointed out in my reports of these last years, all over the world we are witnessing a worrying and growing tendency of different governments to limit the prerogatives of the judiciary. This tendency is strengthened by the very fact that our judiciaries are very often shaped in a pyramidal form, more like an army, rather than an ensemble of organs endowed with the duty to perform the same kind of activity, which is rendering justice in an autonomous and independent way.

The situation in Turkey, but also in Poland or in Hungary, Moldova, Roumania and in other Countries are clear examples of the fact that judicial independence can never be taken for granted.

Dear Colleagues, this is the 62nd general meeting of the IAJ Central Council in the history of our Organisation, founded in 1953. This year we are particularly happy for the attendance, among other important actors in the judicial world scene, of the highest representatives of IACA, a worldwide organisation with which we are planning to co-operate intensively.

Another capital organisation in the field of judicial efficiency is the CEPEJ (*Commission Européenne pour l'efficacité de la Justice* – European Commission for the Efficiency of Justice), whose President, Judge Ramin Gourbanov, is honouring us with his attendance.

For many and many years IAJ has been co-operating with the Council of Europe, especially with the Consultative Council of European Judges, the Consultative Council of European Prosecutors and CEPEJ, which is more and more considering us as a reliable partner. In this framework, our duty is to help the Council of Europe keep in mind that, despite the correct quest for efficiency, there is always a human aspect to be kept into due account in our work.

This must be taken into account especially in this modern, technological and globalised world.

When we were young we were looking with confidence at the future, hoping that technology would make us free. Actually, it made us slaves. Slaves of gadgets, slaves of apps, slaves of passwords, slaves of the alleged need to constantly communicate data and to be performant.

Under this viewpoint, the introduction of IT in our courts must not necessarily be seen as a positive result, if human profiles of the judicial work are not kept into due consideration. The example of Italy is very clear on this point for the negative effects that the introduction of IT is developing on the quality of life and work of judges. Judges are not

machines: judges are first of all human beings; therefore they have to behave as such, but also to be considered as such.

This is an aspect which has to be taken into due account, also in the light of the problem of matching efficiency with independence: a subject on which the international forum of September 18th will focus.

We must never forget that an inefficient judge is a bad judge: a judge who must be considered as a bad one, but a judge who is not independent is not even a judge. Because a judge who is not independent ceases to be a judge and becomes something completely different. The same way as a bad song is still a song, because it still has music, whereas a song without music is not a song. Now, independence is for justice what music is for a song: it is the essence of it.

Therefore I am confident that the works of this 62nd IAJ annual meeting and of the international forum will largely contribute to the rising of a worldwide awareness of the need to enhance the efficiency of our judicial systems, without jeopardizing judicial independence, so preserving the delicate mechanisms that—through a complex architecture of checks and balances—allow democracy to survive.

Thank you.

Giacomo Oberto
Secretary-General of the IAJ